Montana Legislative History

Chapter: 226 Session L: 2005

Bill Number: HB 492

Checklist of Bill History

History and Final Status Sheet	x
Introduced Bill	X
Fiscal Note	X
Third Reading Bill	X
Final Version of Bill	X

House

Committee:
Transportation

Hearing Date(s):
Feb. 7, 2005

Feb. 14, 2005 (Exec. Action)

Senate

Committee: Highways and Transportation

Hearing Date(s):
Mar. 24, 2005

Mar. 29, 2005

Conference Committee

Hearing Date(s): n/a

Conference Committee Report:

Compiler Notes

Compiled by: sg

Date: 10/16/24

Notes:

Bill Explorer - HB 492: Abandon certain highway right-of-way for certain adjoining property owners

Summary

Sponsoredby: Morgan, Penny
(R) HD 57

Progress		
Status	**Date**	**Passed**
Introduced	01/29/05	✓
Passed (H) Committee	02/15/05	✓
Passed House	02/21/05	✓
Passed (S) Committee	03/30/05	✓
Passed Senate	04/02/05	✓
To Governor	04/07/05	✓

Draft #	LC1093
Amendment(s)	No
Chapter #	226
Current Status	Chapter Number Assigned
Co-Sponsor(s)	None
Drafter	Petesch, Greg
Requester	Morgan, Penny
Fiscal Note	Yes

Preintroduction Required	No
Category	General Bills
Subject(s)	Highways and Roads,
Transmittal Date	03/01/05
Return Date	04/06/05

Sections Affected	Effective Date	Qualifier
All Sections	04/15/2005	

Bill Explorer - HB 492: Abandon certain highway right-of-way for certain adjoining property owners

Status

Date	Action	Committee	Yes Votes	No Votes
04/15/05	Chapter Number Assigned			
04/15/05	(H) Signed by Governor			
04/07/05	(H) Transmitted to Governor			
04/06/05	(S) Signed by President			
04/05/05	(H) Signed by Speaker			
04/05/05	(C) Printed - New Version Available			
04/04/05	(H) Returned from Enrolling			
04/02/05	(H) Sent to Enrolling			
04/02/05	(S) Returned to House			
04/02/05	(S) 3rd Reading Concurred		50	0
04/02/05	(S) Scheduled for 3rd Reading			
04/01/05	(S) 2nd Reading Concurred on Voice Vote		50	0
04/01/05	(S) Scheduled for 2nd Reading			
03/31/05	(S) Scheduled for 2nd Reading			
03/30/05	(S) Committee Report--Bill Concurred	(S) Highways and Transportation		
03/30/05	(S) Committee Executive Action--Bill Concurred	(S) Highways and Transportation	9	0

Date	Action	Committee	Yes Votes	No Votes
03/22/05	(S) Hearing	(S) Highways and Transportation		
03/16/05	(S) Hearing Canceled	(S) Highways and Transportation		
02/22/05	(S) Referred to Committee	(S) Highways and Transportation		
02/22/05	(S) First Reading			
02/21/05	(H) Transmitted to Senate			
02/21/05	(H) 3rd Reading Passed		94	6
02/21/05	(H) Scheduled for 3rd Reading			
02/19/05	(H) 2nd Reading Passed		89	11
02/19/05	(H) Scheduled for 2nd Reading			
02/15/05	(C) Printed - New Version Available			
02/15/05	(H) Committee Report--Bill Passed as Amended	(H) Transportation		
02/15/05	(H) Committee Executive Action--Bill Passed as Amended	(H) Transportation	12	0
02/07/05	(H) Hearing	(H) Transportation		
02/05/05	(H) Fiscal Note Printed			
02/04/05	(H) Fiscal Note Received			
01/29/05	(C) Introduced Bill Text Available Electronically			
01/29/05	(H) Referred to Committee	(H) Transportation		
01/29/05	(H) Fiscal Note Requested			
01/29/05	(H) First Reading			

Date	Action	Committee	Yes Votes	No Votes
01/29/05	(H) Introduced			
01/27/05	(C) Draft Delivered to Requester			
01/24/05	(C) Draft Ready for Delivery			
01/22/05	(C) Draft in Assembly/Executive Director Review			
01/21/05	(C) Draft in Final Drafter Review			
01/21/05	(C) Bill Draft Text Available Electronically			
01/21/05	(C) Draft in Input/Proofing			
01/20/05	(C) Draft to Drafter - Edit Review [SAB]			
01/20/05	(C) Draft in Edit			
01/20/05	(C) Draft in Legal Review			
01/18/05	(C) Draft to Requester for Review			
01/15/05	(C) Draft to Requester for Review			
01/07/05	(C) Draft On Hold			
11/17/04	(C) Draft Request Received			

Showing 1 to 49 of 49 entries

Fiscal

Date	Status
02/05/05	(H) Fiscal Note Printed
02/04/05	(H) Fiscal Note Received
01/29/05	(H) Fiscal Note Requested

Fiscal Documents
SB0492.pdf

Fiscal Rebuttals
No matching results found

Bill Explorer - HB 492: Abandon certain highway right-of-way for certain adjoining property owners

Amendments

Amendment	Condensed Version
No Amendments found	

Documents And Links

Previous Versions

HB0492_x.pdf

HB0492_2.pdf

HB0492_1.pdf

Other

None

delivery or by certified mail. The findings, opinion, and order must be based upon the criteria listed in subsection (3).

(5) The cost of arbitration must be borne equally by the parties.

Section 5. Arbitration decision final. Subject to Title 27, chapter 5, part 3, the decision of the arbitrator is final and is binding on the parties, and the board of personnel appeals shall issue an order containing the decision. Refusal or failure to comply with any provision of a final and binding arbitration award is an unfair labor practice. An order issued by the board of personnel appeals pursuant to this section may be enforced by either party or the board of personnel appeals in the district court for any county in which the dispute arose.

Section 6. Section 7-32-4114, MCA, is amended to read:

"7-32-4114. Restrictions on activities of ~~policemen~~ *police officers.* (1) Except as provided in subsection (2), a member of the police force may not hold any other office or be employed in any other department of the city or town government. *A member of the police force may not strike, as provided in [section 1].*

(2) A member of the police force of a third-class city or of a town may be employed in another department of the city or town government. However, the member may not hold political office in the city or town government.

(3) The fact that a person is an officer or member of the police department does not deprive the person's spouse or any member of the person's family of the right to participate in political activity or to hold public or political office.

(4) An officer or member of the police department may participate in political activity ~~provided that~~ *if* the officer does not do so while on duty or in uniform or ~~that it~~ *if the activity* does not otherwise interfere with the performance of duties."

Section 7. Codification instruction. [Sections 1 through 5] are intended to be codified as an integral part of Title 39, chapter 31, and the provisions of Title 39, chapter 31, apply to [sections 1 through 5].

Section 8. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

Section 9. Effective date. [This act] is effective July 1, 2005.

Approved April 15, 2005

CHAPTER NO. 226

[HB 492]

AN ACT PROVIDING FOR THE ABANDONMENT OF A PORTION OF THE RIGHT-OF-WAY OR FOR ABANDONMENT OF HIGHWAY PROPERTY WHEN THE CONTIGUOUS PROPERTY HAS BEEN SUBDIVIDED PRIOR TO ABANDONMENT AND WHEN IT IS DETERMINED TO NOT BE NECESSARY TO THE LAYING OUT, ALTERING, CONSTRUCTION, IMPROVEMENT, OR MAINTENANCE OF A ROAD OR HIGHWAY; PROVIDING CRITERIA AND PROCEDURES FOR THE ABANDONMENT; AMENDING SECTIONS 60-2-107, 60-4-201, 60-4-202, 60-4-203, AND 60-4-209, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Purpose. The purpose of [sections 1 through 6] is to provide for the abandonment of an interest in real property that the department has determined is not necessary to the laying out, altering, construction, improvement, or maintenance of a road or highway. The current abandonment statute, 60-4-209, does not provide for abandonment of only a portion of the right-of-way or for abandonment of highway property where the contiguous property has been subdivided prior to abandonment.

Section 2. Definitions. As used in [sections 1 through 6], unless the context requires otherwise, the following definitions apply:

(1) "Abandoned interest" means the fee simple or lesser interest in the subject property after the abandonment has been ordered by the commission.

(2) "Abandonment" means cessation of use of right-of-way or activity on the right-of-way with no intention to reclaim or use the right-of-way again.

(3) "Contiguous property" means subdivided parcels along one side of the length of the remainder.

(4) "Remainder" means the area lying between the centerline and the new right-of-way line as determined by the department, in its sole discretion, as necessary for the reconstruction and maintenance of a road or highway.

(5) "Subject property" means that portion of highway right-of-way for which abandonment is sought.

Section 3. Application of other laws. (1) The provisions of 60-2-107(1) through (3), 60-4-201, 60-4-202, 60-4-203, and 60-4-209(1) and (3) through (5) do not apply to abandonment under [sections 1 through 6].

(2) The provisions of 60-2-107(4) and (5) apply to abandonment under [sections 1 through 6] to the extent that reasonable access must remain after the abandonment.

Section 4. Procedure for abandonment. (1) Upon receipt of a petition, in writing, for the abandonment of the subject property from three or more owners of contiguous property, the department shall prepare an exhibit, setting forth the boundaries of the subject property and identifying the remainder.

(2) The department shall prepare an order of abandonment to propose to the commission.

(3) The proposed order must state that the subject property is subject to all easements and utilities apparent or of record.

(4) Before abandoning the subject property, the commission shall notify the board of county commissioners in writing of its intent to abandon the subject property and shall hold a public hearing in the county or counties affected by the abandonment.

(5) The commission shall publish the notice of proposed abandonment and public hearing for 3 successive weeks in local newspapers within the county.

(6) The commission, in its sole discretion, may enter an order abandoning the subject property.

(7) The order with exhibits attached must be recorded by the department in the office of the clerk and recorder in the county or counties in which the subject property is located.

Section 5. Criteria for abandonment. (1) Subject to subsection (2), the commission shall enter an order abandoning the subject property upon finding that:

(a) the department has determined that the cost of disposing of the subject property by sale pursuant to 60-4-202 or exchange pursuant to 60-4-201 exceeds the fair market value of the subject property;

(b) a remainder exists to provide reasonable access; and

(c) at least one of the following applies:

(i) the disposal qualifies as an exception to 23 CFR 710.403(d);

(ii) reimbursement of federal funds is not required; or

(iii) the commission agrees to any required reimbursement of federal funds.

(2) An owner of contiguous property who does not object to the proposed receipt of title to the abandoned interest is considered to have consented to the receipt of title.

Section 6. Title. (1) The department is not responsible for apportioning the abandoned interest among the owners of the contiguous property, and the provisions of 60-4-209(3) do not apply to this abandonment.

(2) By consummating the abandonment, neither the department nor the commission gives the covenants set forth in 30-11-110 or warrants title.

(3) The interest acquired by each owner of contiguous property is the abandoned interest in the subject property between the extension of the boundaries of the contiguous property, extending on the same course and intersecting with the linear boundary of the remainder.

Section 7. Section 60-2-107, MCA, is amended to read:

"60-2-107. Abandonment of highways — exchange of roadways — public notice required. (1) ~~The~~ *Except as provided in [sections 1 through 6], the* commission may abandon highways on the federal-aid systems and state highways.

(2) ~~Before~~ *Except as provided in [sections 1 through 6], before* abandoning or discontinuing maintenance on a highway, the commission shall hold a public hearing in the county or counties affected by the abandonment. The commission may elect to offer to transfer the liability for and the maintenance of a highway to another agency or agencies that may in turn elect to take responsibility for the highway. The commission shall notify the board of county commissioners in writing of its intent to abandon a highway and hold a public hearing. The commission shall publish for 3 consecutive weeks in local newspapers within the county the notice of abandonment and public hearing.

(3) ~~The~~ *Except as provided in [sections 1 through 6], the* commission may enter into an agreement with a unit of local government, on mutually beneficial terms, to exchange property interests or responsibilities, including maintenance, on any portion of a federal-aid or state highway and on any portion of a county road or city street.

(4) The commission may not abandon a highway, road, or right-of-way used to access public land unless another highway, road, or right-of-way provides substantially the same access.

(5) The commission may not abandon a highway, road, or right-of-way used to access private land if the access benefits two or more landowners unless all the landowners agree to the abandonment."

Section 8. Section 60-4-201, MCA, is amended to read:

"**60-4-201. Exchange of interest in real property.** (1) The department may determine that an interest in real property, however acquired by it, is no longer necessary to the laying out, altering, construction, improvement, or maintenance of a highway. ~~The~~ *Except as provided in [sections 1 through 6], the* department may then exchange the interest, either as entire or partial consideration, for any other interest in real property needed for highway purposes. The department may establish the manner and terms and conditions for the exchange.

(2) ~~Prior~~ *Except as provided in [sections 1 through 6], prior* to making the exchange, the department shall notify all landowners whose property is adjacent to the land proposed for exchange. If any of the landowners are interested in buying the land proposed for exchange, the landowners shall notify the department of their interest by registered letter within 30 days of the receipt of the notice of exchange from the department. Upon receipt of a notice of interest, the department shall offer the land proposed for exchange for sale as provided in 60-4-202 and 60-4-203."

Section 9. Section 60-4-202, MCA, is amended to read:

"**60-4-202. Sale of interest in real property.** (1) The department may sell an interest in real property if the department determines that the property is not necessary to the laying out, altering, construction, improvement, or maintenance of a highway. Except as provided in *[sections 1 through 6] and* subsection (2) *of this section*, if the interest is reasonably of a value in excess of $10,000, sale must be made to the highest bidder at public auction. The sale of an interest at auction must be conducted as provided in 77-2-321.

(2) (a) The department may sell an interest in real property without a public auction directly to:

(i) a federal, state, tribal, or local government;

(ii) an agency of government;

(iii) a school district; or

(iv) a unit of the Montana university system.

(b) The department shall obtain fair market value for the property.

(3) ~~Before~~ *Except as provided in [sections 1 through 6], before* the department sells an interest in real property as provided in subsection (2), the department shall notify all landowners whose property is adjacent to the land proposed for sale. If any of the landowners are interested in buying the land proposed for sale, the landowners shall notify the department of their interest by registered letter within 30 days of the receipt of the notice of sale from the department. Upon receipt of a notice of interest, the department shall offer the land for sale as provided in 60-4-203 and this section."

Section 10. Section 60-4-203, MCA, is amended to read:

"**60-4-203. Conduct of sale.** (1) ~~The~~ *Except as provided in [sections 1 through 6], the* department shall publish notice of the sale once a week for 4 successive weeks in a newspaper published in the county in which the interest is

located. The notice of sale must contain the information required by 77-2-322. Sale must be held in the county where the property is located.

(2) ~~Before~~ *Except as provided in [sections 1 through 6], before* the sale of an interest having a value in excess of $10,000, the department must have the interest appraised at a price representing a fair market value. The appraised value must be stated in the published notice.

(3) ~~A~~ *Except as provided in [sections 1 through 6], a* sale of an interest may not be made unless it has been appraised within 3 months prior to the date of the sale. A sale may not be made for less than 90% of the appraised value.

(4) ~~Title~~ *Except as provided in [sections 1 through 6], title* to an interest may not pass from the state until the purchaser has paid the full amount of the purchase price into the state treasury to the credit of the department."

Section 11. Section 60-4-209, MCA, is amended to read:

"60-4-209. Abandoned highway property — title vests in contiguous owner. (1) ~~Upon~~ *Except as provided in [sections 1 through 6], upon* abandonment by the state in the manner provided in subsection (2) of an interest in real property acquired for the purpose of establishment of a highway, the owner of contiguous real property or ~~his~~ *the owner's* successor in interest is vested with the abandoned interest to the extent provided in subsection (3).

(2) For the purposes of this section:

(a) a fee simple interest may be abandoned only by the proper order of the commission; and

(b) an interest of less than fee simple may be abandoned in the manner provided in subsection (2)(a), by operation of law, and by judgment of a court of competent jurisdiction.

(3) ~~The~~ *Except as provided in [sections 1 through 6], the* interest acquired by the contiguous property owner under subsection (1) is the abandoned interest or portion of ~~such~~ *the* interest:

(a) if there are different contiguous property owners on each side of the abandoned interest, bounded on one side by the contiguous property and on the remaining two opposite sides by lines following the shortest distance from the extreme ends of the contiguous property abutting upon the abandoned interest to the center of the abandoned interest; and

(b) if the owners of the contiguous property on each side of the abandoned interest are ~~one and~~ the same, bounded on two opposite sides by the contiguous properties and on the two remaining opposite sides by lines following the shortest distance from the extreme ends of the contiguous property on one side of the abandoned interest to the extreme ends of the contiguous property on the other side of the abandoned interest.

(4) For the purpose of this section, an interest in property abandoned by a proper order of the commission includes an interest in property that the commission determines to be unnecessary to the laying out, altering, construction, improvement, or maintenance of a highway, whether or not the commission determines to sell ~~such~~ *the* interest.

(5) ~~The~~ *Except as provided in [sections 1 through 6], the* interest acquired by a contiguous property owner under subsection (3) is conditioned upon the use of the property for agricultural or noncommercial purposes. If the property is used for commercial purposes or for purposes of future subdivision or other similar

development, the property ~~shall~~ *must* revert to the state for sale pursuant to this part. This restriction applies to all subsequent holders of title to the property."

Section 12. Codification instruction. [Sections 1 through 6] are intended to be codified as an integral part of Title 60, chapter 4, part 2, and the provisions of Title 60, chapter 4, part 2, apply to [sections 1 through 6].

Section 13. Effective date. [This act] is effective on passage and approval.

Approved April 15, 2005

CHAPTER NO. 227

[HB 514]

AN ACT INCREASING THE RESTITUTION FOR THE ILLEGAL TAKING OF A GRIZZLY BEAR; AMENDING SECTIONS 87-1-111 AND 87-1-115, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, grizzly bears in the Yellowstone ecosystem have achieved recovery goals established by the United States Fish and Wildlife Service; and

WHEREAS, the United States Fish and Wildlife Service has indicated that it intends to remove grizzly bears in the Yellowstone ecosystem from the list of threatened and endangered species in 2005; and

WHEREAS, once delisted, grizzlies will be managed by the State of Montana; and

WHEREAS, illegal taking of a grizzly bear constitutes a theft of valuable state property and could delay delisting.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 87-1-111, MCA, is amended to read:

"**87-1-111. Restitution for illegal killing or possession of certain wildlife.** (1) Except as provided in 87-1-115 and in addition to other penalties provided by law, a person convicted or forfeiting bond or bail upon a charge of the illegal taking, killing, or possession of a wild bird, mammal, or fish listed in this section shall reimburse the state for each bird, mammal, or fish according to the following schedule:

(a) bighorn sheep~~, grizzly bear,~~ and endangered species, $2,000;

(b) elk, caribou, bald eagle, black bear, and moose, $1,000;

(c) mountain lion, lynx, wolverine, buffalo, golden eagle, osprey, falcon, antlered deer as defined by commission regulation, bull trout longer than 18 inches, and adult buck antelope as defined by commission regulation, $500;

(d) deer not included in subsection (1)(c), antelope not included in subsection (1)(c), fisher, raptor not included in subsection (1)(c), swan, bobcat, white sturgeon, river-dwelling grayling, and paddlefish, $300;

(e) fur-bearing animals, as defined in 87-2-101 and not listed in subsection (1)(c) or (1)(d), $100;

(f) game bird (except swan), $25;

(g) game fish, $10.

(2) When a court enters an order declaring bond or bail to be forfeited, the court may also order that some or all of the forfeited bond or bail be paid as

HOUSE BILL NO. 492

INTRODUCED BY P. MORGAN

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE ABANDONMENT OF A PORTION OF THE RIGHT-OF-WAY OR FOR ABANDONMENT OF HIGHWAY PROPERTY WHEN THE CONTIGUOUS PROPERTY HAS BEEN SUBDIVIDED PRIOR TO ABANDONMENT AND WHEN IT IS DETERMINED TO NOT BE NECESSARY TO THE LAYING OUT, ALTERING, CONSTRUCTION, IMPROVEMENT, OR MAINTENANCE OF A ROAD OR HIGHWAY; PROVIDING CRITERIA AND PROCEDURES FOR THE ABANDONMENT; AMENDING SECTIONS 60-2-107, 60-4-201, 60-4-202, 60-4-203, AND 60-4-209, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Purpose.** The purpose of [sections 1 through 6] is to provide for the abandonment of an interest in real property that the department has determined is not necessary to the laying out, altering, construction, improvement, or maintenance of a road or highway. The current abandonment statute, 60-4-209, does not provide for abandonment of only a portion of the right-of-way or for abandonment of highway property where the contiguous property has been subdivided prior to abandonment.

NEW SECTION. **Section 2. Definitions.** As used in [sections 1 through 6], unless the context requires otherwise, the following definitions apply:

(1) "Abandoned interest" means the fee simple or lesser interest in the subject property after the abandonment has been ordered by the commission.

(2) "Abandonment" means cessation of use of right-of-way or activity on the right-of-way with no intention to reclaim or use the right-of-way again.

(3) "Contiguous property" means subdivided parcels along both sides of the length of the remainder.

(4) "Remainder" means the area lying between the centerline and the new right-of-way line as determined by the department, in its sole discretion, as necessary for the reconstruction and maintenance of a road or highway.

(5) "Subject property" means that portion of highway right-of-way for which abandonment is sought.

NEW SECTION. **Section 3. Application of other laws.** (1) The provisions of 60-2-107(1) through (3), 60-4-201, 60-4-202, 60-4-203, and 60-4-209(1) and (3) through (5) do not apply to abandonment under [sections 1 through 6].

(2) The provisions of 60-2-107(4) and (5) apply to abandonment under [sections 1 through 6] to the extent that reasonable access must remain after the abandonment.

NEW SECTION. **Section 4. Procedure for abandonment.** (1) Upon receipt of a petition, in writing, for the abandonment of the subject property from three or more owners of contiguous property, the department shall prepare an exhibit, setting forth the boundaries of the subject property and identifying the remainder.

(2) The department shall prepare an order of abandonment to propose to the commission.

(3) The proposed order must state that the subject property is subject to all easements and utilities apparent or of record.

(4) Before abandoning the subject property, the commission shall notify the board of county commissioners in writing of its intent to abandon the subject property and shall hold a public hearing in the county or counties affected by the abandonment.

(5) The commission shall publish the notice of proposed abandonment and public hearing for 3 successive weeks in local newspapers within the county.

(6) The commission, in its sole discretion, may enter an order abandoning the subject property.

(7) The order with exhibits attached must be recorded by the department in the office of the clerk and recorder in the county or counties in which the subject property is located.

NEW SECTION. **Section 5. Criteria for abandonment.** (1) Subject to subsection (2), the commission shall enter an order abandoning the subject property upon finding that:

(a) the department has determined that the cost of disposing of the subject property by sale pursuant to 60-4-202 or exchange pursuant to 60-4-201 exceeds the fair market value of the subject property;

(b) a remainder exists to provide reasonable access; and

(c) at least one of the following applies:

(i) the disposal qualifies as an exception to 23 CFR 710.403(d);

(ii) reimbursement of federal funds is not required; or

(iii) the commission agrees to any required reimbursement of federal funds.

(2) An owner of contiguous property who does not object to the proposed receipt of title to the

abandoned interest is considered to have consented to the receipt of title.

NEW SECTION. **Section 6. Title.** (1) The department is not responsible for apportioning the abandoned interest among the owners of the contiguous property, and the provisions of 60-4-209(3) do not apply to this abandonment.

(2) By consummating the abandonment, neither the department nor the commission gives the covenants set forth in 30-11-110 or warrants title.

(3) The interest acquired by each owner of contiguous property is the abandoned interest in the subject property between the extension of the boundaries of the contiguous property, extending on the same course and intersecting with the linear boundary of the remainder.

Section 7. Section 60-2-107, MCA, is amended to read:

"60-2-107. Abandonment of highways -- exchange of roadways -- public notice required. (1) ~~The~~ Except as provided in [sections 1 through 6], the commission may abandon highways on the federal-aid systems and state highways.

(2) ~~Before~~ Except as provided in [sections 1 through 6], before abandoning or discontinuing maintenance on a highway, the commission shall hold a public hearing in the county or counties affected by the abandonment. The commission may elect to offer to transfer the liability for and the maintenance of a highway to another agency or agencies that may in turn elect to take responsibility for the highway. The commission shall notify the board of county commissioners in writing of its intent to abandon a highway and hold a public hearing. The commission shall publish for 3 consecutive weeks in local newspapers within the county the notice of abandonment and public hearing.

(3) ~~The~~ Except as provided in [sections 1 through 6], the commission may enter into an agreement with a unit of local government, on mutually beneficial terms, to exchange property interests or responsibilities, including maintenance, on any portion of a federal-aid or state highway and on any portion of a county road or city street.

(4) The commission may not abandon a highway, road, or right-of-way used to access public land unless another highway, road, or right-of-way provides substantially the same access.

(5) The commission may not abandon a highway, road, or right-of-way used to access private land if the access benefits two or more landowners unless all the landowners agree to the abandonment."

Section 8. Section 60-4-201, MCA, is amended to read:

"60-4-201. Exchange of interest in real property. (1) The department may determine that an interest in real property, however acquired by it, is no longer necessary to the laying out, altering, construction, improvement, or maintenance of a highway. ~~The~~ Except as provided in [sections 1 through 6], the department may then exchange the interest, either as entire or partial consideration, for any other interest in real property needed for highway purposes. The department may establish the manner and terms and conditions for the exchange.

(2) ~~Prior~~ Except as provided in [sections 1 through 6], prior to making the exchange, the department shall notify all landowners whose property is adjacent to the land proposed for exchange. If any of the landowners are interested in buying the land proposed for exchange, the landowners shall notify the department of their interest by registered letter within 30 days of the receipt of the notice of exchange from the department. Upon receipt of a notice of interest, the department shall offer the land proposed for exchange for sale as provided in 60-4-202 and 60-4-203."

Section 9. Section 60-4-202, MCA, is amended to read:

"60-4-202. Sale of interest in real property. (1) The department may sell an interest in real property if the department determines that the property is not necessary to the laying out, altering, construction, improvement, or maintenance of a highway. Except as provided in [sections 1 through 6] and subsection (2) of this section, if the interest is reasonably of a value in excess of $10,000, sale must be made to the highest bidder at public auction. The sale of an interest at auction must be conducted as provided in 77-2-321.

(2) (a) The department may sell an interest in real property without a public auction directly to:

(i) a federal, state, tribal, or local government;

(ii) an agency of government;

(iii) a school district; or

(iv) a unit of the Montana university system.

(b) The department shall obtain fair market value for the property.

(3) ~~Before~~ Except as provided in [sections 1 through 6], before the department sells an interest in real property as provided in subsection (2), the department shall notify all landowners whose property is adjacent to the land proposed for sale. If any of the landowners are interested in buying the land proposed for sale, the landowners shall notify the department of their interest by registered letter within 30 days of the receipt of the notice of sale from the department. Upon receipt of a notice of interest, the department shall offer the land for sale

as provided in 60-4-203 and this section."

Section 10. Section 60-4-203, MCA, is amended to read:

"60-4-203. Conduct of sale. (1) ~~The~~ Except as provided in [sections 1 through 6], the department shall publish notice of the sale once a week for 4 successive weeks in a newspaper published in the county in which the interest is located. The notice of sale must contain the information required by 77-2-322. Sale must be held in the county where the property is located.

(2) ~~Before~~ Except as provided in [sections 1 through 6], before the sale of an interest having a value in excess of $10,000, the department must have the interest appraised at a price representing a fair market value. The appraised value must be stated in the published notice.

(3) ~~A~~ Except as provided in [sections 1 through 6], a sale of an interest may not be made unless it has been appraised within 3 months prior to the date of the sale. A sale may not be made for less than 90% of the appraised value.

(4) ~~Title~~ Except as provided in [sections 1 through 6], title to an interest may not pass from the state until the purchaser has paid the full amount of the purchase price into the state treasury to the credit of the department."

Section 11. Section 60-4-209, MCA, is amended to read:

"60-4-209. Abandoned highway property -- title vests in contiguous owner. (1) ~~Upon~~ Except as provided in [sections 1 through 6], upon abandonment by the state in the manner provided in subsection (2) of an interest in real property acquired for the purpose of establishment of a highway, the owner of contiguous real property or ~~his~~ the owner's successor in interest is vested with the abandoned interest to the extent provided in subsection (3).

(2) For the purposes of this section:

(a) a fee simple interest may be abandoned only by the proper order of the commission; and

(b) an interest of less than fee simple may be abandoned in the manner provided in subsection (2)(a), by operation of law, and by judgment of a court of competent jurisdiction.

(3) ~~The~~ Except as provided in [sections 1 through 6], the interest acquired by the contiguous property owner under subsection (1) is the abandoned interest or portion of ~~such~~ the interest:

(a) if there are different contiguous property owners on each side of the abandoned interest, bounded on one side by the contiguous property and on the remaining two opposite sides by lines following the shortest

distance from the extreme ends of the contiguous property abutting upon the abandoned interest to the center of the abandoned interest; and

(b) if the owners of the contiguous property on each side of the abandoned interest are ~~one and~~ the same, bounded on two opposite sides by the contiguous properties and on the two remaining opposite sides by lines following the shortest distance from the extreme ends of the contiguous property on one side of the abandoned interest to the extreme ends of the contiguous property on the other side of the abandoned interest.

(4) For the purpose of this section, an interest in property abandoned by a proper order of the commission includes an interest in property that the commission determines to be unnecessary to the laying out, altering, construction, improvement, or maintenance of a highway, whether or not the commission determines to sell ~~such~~ the interest.

(5) ~~The~~ Except as provided in [sections 1 through 6], the interest acquired by a contiguous property owner under subsection (3) is conditioned upon the use of the property for agricultural or noncommercial purposes. If the property is used for commercial purposes or for purposes of future subdivision or other similar development, the property ~~shall~~ must revert to the state for sale pursuant to this part. This restriction applies to all subsequent holders of title to the property."

NEW SECTION. **Section 12. Codification instruction.** [Sections 1 through 6] are intended to be codified as an integral part of Title 60, chapter 4, part 2, and the provisions of Title 60, chapter 4, part 2, apply to [sections 1 through 6].

NEW SECTION. **Section 13. Effective date.** [This act] is effective on passage and approval.

- END -

HOUSE BILL NO. 492

INTRODUCED BY MORGAN

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE ABANDONMENT OF A PORTION OF THE RIGHT-OF-WAY OR FOR ABANDONMENT OF HIGHWAY PROPERTY WHEN THE CONTIGUOUS PROPERTY HAS BEEN SUBDIVIDED PRIOR TO ABANDONMENT AND WHEN IT IS DETERMINED TO NOT BE NECESSARY TO THE LAYING OUT, ALTERING, CONSTRUCTION, IMPROVEMENT, OR MAINTENANCE OF A ROAD OR HIGHWAY; PROVIDING CRITERIA AND PROCEDURES FOR THE ABANDONMENT; AMENDING SECTIONS 60-2-107, 60-4-201, 60-4-202, 60-4-203, AND 60-4-209, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Purpose.** The purpose of [sections 1 through 6] is to provide for the abandonment of an interest in real property that the department has determined is not necessary to the laying out, altering, construction, improvement, or maintenance of a road or highway. The current abandonment statute, 60-4-209, does not provide for abandonment of only a portion of the right-of-way or for abandonment of highway property where the contiguous property has been subdivided prior to abandonment.

NEW SECTION. **Section 2. Definitions.** As used in [sections 1 through 6], unless the context requires otherwise, the following definitions apply:

(1) "Abandoned interest" means the fee simple or lesser interest in the subject property after the abandonment has been ordered by the commission.

(2) "Abandonment" means cessation of use of right-of-way or activity on the right-of-way with no intention to reclaim or use the right-of-way again.

(3) "Contiguous property" means subdivided parcels along ~~both sides~~ ONE SIDE of the length of the remainder.

(4) "Remainder" means the area lying between the centerline and the new right-of-way line as determined by the department, in its sole discretion, as necessary for the reconstruction and maintenance of a road or highway.

(5) "Subject property" means that portion of highway right-of-way for which abandonment is sought.

NEW SECTION. **Section 3. Application of other laws.** (1) The provisions of 60-2-107(1) through (3), 60-4-201, 60-4-202, 60-4-203, and 60-4-209(1) and (3) through (5) do not apply to abandonment under [sections 1 through 6].

(2) The provisions of 60-2-107(4) and (5) apply to abandonment under [sections 1 through 6] to the extent that reasonable access must remain after the abandonment.

NEW SECTION. **Section 4. Procedure for abandonment.** (1) Upon receipt of a petition, in writing, for the abandonment of the subject property from three or more owners of contiguous property, the department shall prepare an exhibit, setting forth the boundaries of the subject property and identifying the remainder.

(2) The department shall prepare an order of abandonment to propose to the commission.

(3) The proposed order must state that the subject property is subject to all easements and utilities apparent or of record.

(4) Before abandoning the subject property, the commission shall notify the board of county commissioners in writing of its intent to abandon the subject property and shall hold a public hearing in the county or counties affected by the abandonment.

(5) The commission shall publish the notice of proposed abandonment and public hearing for 3 successive weeks in local newspapers within the county.

(6) The commission, in its sole discretion, may enter an order abandoning the subject property.

(7) The order with exhibits attached must be recorded by the department in the office of the clerk and recorder in the county or counties in which the subject property is located.

NEW SECTION. **Section 5. Criteria for abandonment.** (1) Subject to subsection (2), the commission shall enter an order abandoning the subject property upon finding that:

(a) the department has determined that the cost of disposing of the subject property by sale pursuant to 60-4-202 or exchange pursuant to 60-4-201 exceeds the fair market value of the subject property;

(b) a remainder exists to provide reasonable access; and

(c) at least one of the following applies:

(i) the disposal qualifies as an exception to 23 CFR 710.403(d);

(ii) reimbursement of federal funds is not required; or

(iii) the commission agrees to any required reimbursement of federal funds.

(2) An owner of contiguous property who does not object to the proposed receipt of title to the

abandoned interest is considered to have consented to the receipt of title.

NEW SECTION. **Section 6. Title.** (1) The department is not responsible for apportioning the abandoned interest among the owners of the contiguous property, and the provisions of 60-4-209(3) do not apply to this abandonment.

(2) By consummating the abandonment, neither the department nor the commission gives the covenants set forth in 30-11-110 or warrants title.

(3) The interest acquired by each owner of contiguous property is the abandoned interest in the subject property between the extension of the boundaries of the contiguous property, extending on the same course and intersecting with the linear boundary of the remainder.

Section 7. Section 60-2-107, MCA, is amended to read:

"60-2-107. Abandonment of highways -- exchange of roadways -- public notice required. (1) ~~The~~ Except as provided in [sections 1 through 6], the commission may abandon highways on the federal-aid systems and state highways.

(2) ~~Before~~ Except as provided in [sections 1 through 6], before abandoning or discontinuing maintenance on a highway, the commission shall hold a public hearing in the county or counties affected by the abandonment. The commission may elect to offer to transfer the liability for and the maintenance of a highway to another agency or agencies that may in turn elect to take responsibility for the highway. The commission shall notify the board of county commissioners in writing of its intent to abandon a highway and hold a public hearing. The commission shall publish for 3 consecutive weeks in local newspapers within the county the notice of abandonment and public hearing.

(3) ~~The~~ Except as provided in [sections 1 through 6], the commission may enter into an agreement with a unit of local government, on mutually beneficial terms, to exchange property interests or responsibilities, including maintenance, on any portion of a federal-aid or state highway and on any portion of a county road or city street.

(4) The commission may not abandon a highway, road, or right-of-way used to access public land unless another highway, road, or right-of-way provides substantially the same access.

(5) The commission may not abandon a highway, road, or right-of-way used to access private land if the access benefits two or more landowners unless all the landowners agree to the abandonment."

Section 8. Section 60-4-201, MCA, is amended to read:

"60-4-201. Exchange of interest in real property. (1) The department may determine that an interest in real property, however acquired by it, is no longer necessary to the laying out, altering, construction, improvement, or maintenance of a highway. ~~The~~ Except as provided in [sections 1 through 6], the department may then exchange the interest, either as entire or partial consideration, for any other interest in real property needed for highway purposes. The department may establish the manner and terms and conditions for the exchange.

(2) ~~Prior~~ Except as provided in [sections 1 through 6], prior to making the exchange, the department shall notify all landowners whose property is adjacent to the land proposed for exchange. If any of the landowners are interested in buying the land proposed for exchange, the landowners shall notify the department of their interest by registered letter within 30 days of the receipt of the notice of exchange from the department. Upon receipt of a notice of interest, the department shall offer the land proposed for exchange for sale as provided in 60-4-202 and 60-4-203."

Section 9. Section 60-4-202, MCA, is amended to read:

"60-4-202. Sale of interest in real property. (1) The department may sell an interest in real property if the department determines that the property is not necessary to the laying out, altering, construction, improvement, or maintenance of a highway. Except as provided in [sections 1 through 6] and subsection (2) of this section, if the interest is reasonably of a value in excess of $10,000, sale must be made to the highest bidder at public auction. The sale of an interest at auction must be conducted as provided in 77-2-321.

(2) (a) The department may sell an interest in real property without a public auction directly to:

(i) a federal, state, tribal, or local government;

(ii) an agency of government;

(iii) a school district; or

(iv) a unit of the Montana university system.

(b) The department shall obtain fair market value for the property.

(3) ~~Before~~ Except as provided in [sections 1 through 6], before the department sells an interest in real property as provided in subsection (2), the department shall notify all landowners whose property is adjacent to the land proposed for sale. If any of the landowners are interested in buying the land proposed for sale, the landowners shall notify the department of their interest by registered letter within 30 days of the receipt of the notice of sale from the department. Upon receipt of a notice of interest, the department shall offer the land for sale

as provided in 60-4-203 and this section."

Section 10. Section 60-4-203, MCA, is amended to read:

"60-4-203. Conduct of sale. (1) ~~The~~ Except as provided in [sections 1 through 6], the department shall publish notice of the sale once a week for 4 successive weeks in a newspaper published in the county in which the interest is located. The notice of sale must contain the information required by 77-2-322. Sale must be held in the county where the property is located.

(2) ~~Before~~ Except as provided in [sections 1 through 6], before the sale of an interest having a value in excess of $10,000, the department must have the interest appraised at a price representing a fair market value. The appraised value must be stated in the published notice.

(3) ~~A~~ Except as provided in [sections 1 through 6], a sale of an interest may not be made unless it has been appraised within 3 months prior to the date of the sale. A sale may not be made for less than 90% of the appraised value.

(4) ~~Title~~ Except as provided in [sections 1 through 6], title to an interest may not pass from the state until the purchaser has paid the full amount of the purchase price into the state treasury to the credit of the department."

Section 11. Section 60-4-209, MCA, is amended to read:

"60-4-209. Abandoned highway property -- title vests in contiguous owner. (1) ~~Upon~~ Except as provided in [sections 1 through 6], upon abandonment by the state in the manner provided in subsection (2) of an interest in real property acquired for the purpose of establishment of a highway, the owner of contiguous real property or ~~his~~ the owner's successor in interest is vested with the abandoned interest to the extent provided in subsection (3).

(2) For the purposes of this section:

(a) a fee simple interest may be abandoned only by the proper order of the commission; and

(b) an interest of less than fee simple may be abandoned in the manner provided in subsection (2)(a), by operation of law, and by judgment of a court of competent jurisdiction.

(3) ~~The~~ Except as provided in [sections 1 through 6], the interest acquired by the contiguous property owner under subsection (1) is the abandoned interest or portion of ~~such~~ the interest:

(a) if there are different contiguous property owners on each side of the abandoned interest, bounded on one side by the contiguous property and on the remaining two opposite sides by lines following the shortest

distance from the extreme ends of the contiguous property abutting upon the abandoned interest to the center of the abandoned interest; and

(b) if the owners of the contiguous property on each side of the abandoned interest are ~~one and~~ the same, bounded on two opposite sides by the contiguous properties and on the two remaining opposite sides by lines following the shortest distance from the extreme ends of the contiguous property on one side of the abandoned interest to the extreme ends of the contiguous property on the other side of the abandoned interest.

(4) For the purpose of this section, an interest in property abandoned by a proper order of the commission includes an interest in property that the commission determines to be unnecessary to the laying out, altering, construction, improvement, or maintenance of a highway, whether or not the commission determines to sell ~~such~~ the interest.

(5) ~~The~~ Except as provided in [sections 1 through 6], the interest acquired by a contiguous property owner under subsection (3) is conditioned upon the use of the property for agricultural or noncommercial purposes. If the property is used for commercial purposes or for purposes of future subdivision or other similar development, the property ~~shall~~ must revert to the state for sale pursuant to this part. This restriction applies to all subsequent holders of title to the property."

NEW SECTION. **Section 12. Codification instruction.** [Sections 1 through 6] are intended to be codified as an integral part of Title 60, chapter 4, part 2, and the provisions of Title 60, chapter 4, part 2, apply to [sections 1 through 6].

NEW SECTION. **Section 13. Effective date.** [This act] is effective on passage and approval.

- END -

AN ACT PROVIDING FOR THE ABANDONMENT OF A PORTION OF THE RIGHT-OF-WAY OR FOR ABANDONMENT OF HIGHWAY PROPERTY WHEN THE CONTIGUOUS PROPERTY HAS BEEN SUBDIVIDED PRIOR TO ABANDONMENT AND WHEN IT IS DETERMINED TO NOT BE NECESSARY TO THE LAYING OUT, ALTERING, CONSTRUCTION, IMPROVEMENT, OR MAINTENANCE OF A ROAD OR HIGHWAY; PROVIDING CRITERIA AND PROCEDURES FOR THE ABANDONMENT; AMENDING SECTIONS 60-2-107, 60-4-201, 60-4-202, 60-4-203, AND 60-4-209, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Purpose. The purpose of [sections 1 through 6] is to provide for the abandonment of an interest in real property that the department has determined is not necessary to the laying out, altering, construction, improvement, or maintenance of a road or highway. The current abandonment statute, 60-4-209, does not provide for abandonment of only a portion of the right-of-way or for abandonment of highway property where the contiguous property has been subdivided prior to abandonment.

Section 2. Definitions. As used in [sections 1 through 6], unless the context requires otherwise, the following definitions apply:

(1) "Abandoned interest" means the fee simple or lesser interest in the subject property after the abandonment has been ordered by the commission.

(2) "Abandonment" means cessation of use of right-of-way or activity on the right-of-way with no intention to reclaim or use the right-of-way again.

(3) "Contiguous property" means subdivided parcels along one side of the length of the remainder.

(4) "Remainder" means the area lying between the centerline and the new right-of-way line as determined by the department, in its sole discretion, as necessary for the reconstruction and maintenance of a road or highway.

(5) "Subject property" means that portion of highway right-of-way for which abandonment is sought.

Section 3. Application of other laws. (1) The provisions of 60-2-107(1) through (3), 60-4-201, 60-4-202, 60-4-203, and 60-4-209(1) and (3) through (5) do not apply to abandonment under [sections 1 through 6].

(2) The provisions of 60-2-107(4) and (5) apply to abandonment under [sections 1 through 6] to the extent that reasonable access must remain after the abandonment.

Section 4. Procedure for abandonment. (1) Upon receipt of a petition, in writing, for the abandonment of the subject property from three or more owners of contiguous property, the department shall prepare an exhibit, setting forth the boundaries of the subject property and identifying the remainder.

(2) The department shall prepare an order of abandonment to propose to the commission.

(3) The proposed order must state that the subject property is subject to all easements and utilities apparent or of record.

(4) Before abandoning the subject property, the commission shall notify the board of county commissioners in writing of its intent to abandon the subject property and shall hold a public hearing in the county or counties affected by the abandonment.

(5) The commission shall publish the notice of proposed abandonment and public hearing for 3 successive weeks in local newspapers within the county.

(6) The commission, in its sole discretion, may enter an order abandoning the subject property.

(7) The order with exhibits attached must be recorded by the department in the office of the clerk and recorder in the county or counties in which the subject property is located.

Section 5. Criteria for abandonment. (1) Subject to subsection (2), the commission shall enter an order abandoning the subject property upon finding that:

(a) the department has determined that the cost of disposing of the subject property by sale pursuant to 60-4-202 or exchange pursuant to 60-4-201 exceeds the fair market value of the subject property;

(b) a remainder exists to provide reasonable access; and

(c) at least one of the following applies:

(i) the disposal qualifies as an exception to 23 CFR 710.403(d);

(ii) reimbursement of federal funds is not required; or

(iii) the commission agrees to any required reimbursement of federal funds.

(2) An owner of contiguous property who does not object to the proposed receipt of title to the abandoned interest is considered to have consented to the receipt of title.

Section 6. Title. (1) The department is not responsible for apportioning the abandoned interest among the owners of the contiguous property, and the provisions of 60-4-209(3) do not apply to this abandonment.

(2) By consummating the abandonment, neither the department nor the commission gives the covenants set forth in 30-11-110 or warrants title.

(3) The interest acquired by each owner of contiguous property is the abandoned interest in the subject property between the extension of the boundaries of the contiguous property, extending on the same course and intersecting with the linear boundary of the remainder.

Section 7. Section 60-2-107, MCA, is amended to read:

"60-2-107. Abandonment of highways -- exchange of roadways -- public notice required. (1) ~~The~~ Except as provided in [sections 1 through 6], the commission may abandon highways on the federal-aid systems and state highways.

(2) ~~Before~~ Except as provided in [sections 1 through 6], before abandoning or discontinuing maintenance on a highway, the commission shall hold a public hearing in the county or counties affected by the abandonment. The commission may elect to offer to transfer the liability for and the maintenance of a highway to another agency or agencies that may in turn elect to take responsibility for the highway. The commission shall notify the board of county commissioners in writing of its intent to abandon a highway and hold a public hearing. The commission shall publish for 3 consecutive weeks in local newspapers within the county the notice of abandonment and public hearing.

(3) ~~The~~ Except as provided in [sections 1 through 6], the commission may enter into an agreement with a unit of local government, on mutually beneficial terms, to exchange property interests or responsibilities, including maintenance, on any portion of a federal-aid or state highway and on any portion of a county road or city street.

(4) The commission may not abandon a highway, road, or right-of-way used to access public land unless another highway, road, or right-of-way provides substantially the same access.

(5) The commission may not abandon a highway, road, or right-of-way used to access private land if the access benefits two or more landowners unless all the landowners agree to the abandonment."

Section 8. Section 60-4-201, MCA, is amended to read:

"60-4-201. Exchange of interest in real property. (1) The department may determine that an interest in real property, however acquired by it, is no longer necessary to the laying out, altering, construction, improvement, or maintenance of a highway. ~~The~~ Except as provided in [sections 1 through 6], the department may then exchange the interest, either as entire or partial consideration, for any other interest in real property needed for highway purposes. The department may establish the manner and terms and conditions for the exchange.

(2) ~~Prior~~ Except as provided in [sections 1 through 6], prior to making the exchange, the department shall notify all landowners whose property is adjacent to the land proposed for exchange. If any of the landowners are interested in buying the land proposed for exchange, the landowners shall notify the department of their interest by registered letter within 30 days of the receipt of the notice of exchange from the department. Upon receipt of a notice of interest, the department shall offer the land proposed for exchange for sale as provided in 60-4-202 and 60-4-203."

Section 9. Section 60-4-202, MCA, is amended to read:

"60-4-202. Sale of interest in real property. (1) The department may sell an interest in real property if the department determines that the property is not necessary to the laying out, altering, construction, improvement, or maintenance of a highway. Except as provided in [sections 1 through 6] and subsection (2) of this section, if the interest is reasonably of a value in excess of $10,000, sale must be made to the highest bidder at public auction. The sale of an interest at auction must be conducted as provided in 77-2-321.

(2) (a) The department may sell an interest in real property without a public auction directly to:

(i) a federal, state, tribal, or local government;

(ii) an agency of government;

(iii) a school district; or

(iv) a unit of the Montana university system.

(b) The department shall obtain fair market value for the property.

(3) ~~Before~~ Except as provided in [sections 1 through 6], before the department sells an interest in real property as provided in subsection (2), the department shall notify all landowners whose property is adjacent to the land proposed for sale. If any of the landowners are interested in buying the land proposed for sale, the landowners shall notify the department of their interest by registered letter within 30 days of the receipt of the

notice of sale from the department. Upon receipt of a notice of interest, the department shall offer the land for sale as provided in 60-4-203 and this section."

Section 10. Section 60-4-203, MCA, is amended to read:

"60-4-203. Conduct of sale. (1) ~~The~~ Except as provided in [sections 1 through 6], the department shall publish notice of the sale once a week for 4 successive weeks in a newspaper published in the county in which the interest is located. The notice of sale must contain the information required by 77-2-322. Sale must be held in the county where the property is located.

(2) ~~Before~~ Except as provided in [sections 1 through 6], before the sale of an interest having a value in excess of $10,000, the department must have the interest appraised at a price representing a fair market value. The appraised value must be stated in the published notice.

(3) ~~A~~ Except as provided in [sections 1 through 6], a sale of an interest may not be made unless it has been appraised within 3 months prior to the date of the sale. A sale may not be made for less than 90% of the appraised value.

(4) ~~Title~~ Except as provided in [sections 1 through 6], title to an interest may not pass from the state until the purchaser has paid the full amount of the purchase price into the state treasury to the credit of the department."

Section 11. Section 60-4-209, MCA, is amended to read:

"60-4-209. Abandoned highway property -- title vests in contiguous owner. (1) ~~Upon~~ Except as provided in [sections 1 through 6], upon abandonment by the state in the manner provided in subsection (2) of an interest in real property acquired for the purpose of establishment of a highway, the owner of contiguous real property or ~~his~~ the owner's successor in interest is vested with the abandoned interest to the extent provided in subsection (3).

(2) For the purposes of this section:

(a) a fee simple interest may be abandoned only by the proper order of the commission; and

(b) an interest of less than fee simple may be abandoned in the manner provided in subsection (2)(a), by operation of law, and by judgment of a court of competent jurisdiction.

(3) ~~The~~ Except as provided in [sections 1 through 6], the interest acquired by the contiguous property owner under subsection (1) is the abandoned interest or portion of ~~such~~ the interest:

(a) if there are different contiguous property owners on each side of the abandoned interest, bounded on one side by the contiguous property and on the remaining two opposite sides by lines following the shortest distance from the extreme ends of the contiguous property abutting upon the abandoned interest to the center of the abandoned interest; and

(b) if the owners of the contiguous property on each side of the abandoned interest are ~~one and~~ the same, bounded on two opposite sides by the contiguous properties and on the two remaining opposite sides by lines following the shortest distance from the extreme ends of the contiguous property on one side of the abandoned interest to the extreme ends of the contiguous property on the other side of the abandoned interest.

(4) For the purpose of this section, an interest in property abandoned by a proper order of the commission includes an interest in property that the commission determines to be unnecessary to the laying out, altering, construction, improvement, or maintenance of a highway, whether or not the commission determines to sell ~~such~~ the interest.

(5) ~~The~~ Except as provided in [sections 1 through 6], the interest acquired by a contiguous property owner under subsection (3) is conditioned upon the use of the property for agricultural or noncommercial purposes. If the property is used for commercial purposes or for purposes of future subdivision or other similar development, the property ~~shall~~ must revert to the state for sale pursuant to this part. This restriction applies to all subsequent holders of title to the property."

Section 12. Codification instruction. [Sections 1 through 6] are intended to be codified as an integral part of Title 60, chapter 4, part 2, and the provisions of Title 60, chapter 4, part 2, apply to [sections 1 through 6].

Section 13. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,

HB 0492, originated in the House.

_____

Chief Clerk of the House

_____

Speaker of the House

Signed this _____ day

of _____, 2019.

_____

President of the Senate

Signed this _____ day

of _____, 2019.

HOUSE BILL NO. 492

INTRODUCED BY MORGAN

AN ACT PROVIDING FOR THE ABANDONMENT OF A PORTION OF THE RIGHT-OF-WAY OR FOR ABANDONMENT OF HIGHWAY PROPERTY WHEN THE CONTIGUOUS PROPERTY HAS BEEN SUBDIVIDED PRIOR TO ABANDONMENT AND WHEN IT IS DETERMINED TO NOT BE NECESSARY TO THE LAYING OUT, ALTERING, CONSTRUCTION, IMPROVEMENT, OR MAINTENANCE OF A ROAD OR HIGHWAY; PROVIDING CRITERIA AND PROCEDURES FOR THE ABANDONMENT; AMENDING SECTIONS 60-2-107, 60-4-201, 60-4-202, 60-4-203, AND 60-4-209, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

FISCAL NOTE

Bill #: SB0492 **Title:** Dormant mineral interests act

Primary Sponsor: Weinberg, D **Status:** As Introduced

Sponsor signature Date David Ewer, Budget Director Date

Fiscal Summary

	FY 2006 Difference	FY 2007 Difference
Expenditures:		
General Fund	$2,369	$2,369
Revenue:		
General Fund	$0	$0
Net Impact on General Fund Balance:	($2,369)	($2,369)

- ☒ Significant Local Gov. Impact
- ☐ Included in the Executive Budget
- ☐ Dedicated Revenue Form Attached
- ☒ Technical Concerns
- ☐ Significant Long-Term Impacts
- ☐ Needs to be included in HB 2

Fiscal Analysis

ASSUMPTIONS:

Department of Natural Resources

1. The Department of Natural Resources and Conservation (DNRC) would publish notices at least once each year in FY 2006, FY 2007, and FY 2008. The estimated cost of these publications is $2,369 annually.

FISCAL IMPACT:

	FY 2006 Difference	FY 2007 Difference
Expenditures:		
Operating Expenses	$2,369	$2,369
Funding of Expenditures:		
General Fund (01)	$2,369	$2,369
Net Impact to Fund Balance (Revenue minus Funding of Expenditures):		
General Fund (01)	($2,369)	($2,369)

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:
Local government impact would result from Section 6(1) that requires the county clerk and recorder to receive, charge, and record the notices. Local government impact would also result from Section 11 that enacts a mineral interest property tax, to be administered by the county.

TECHNICAL NOTES:
Department of Natural Resources

1. The exception for state-owned mineral interests in Section 4(1)(b) is conditioned upon unspecified other state law that may permit state mineral interests to be subject to SB 492. As drafted, DNRC is unable to determine the intent or the state statutes that would be recognized under this legislation as nullifying the exception for state-owned mineral interests. The DNRC concurs that state mineral interests should be excluded, and suggests the conditional narrative in Section 4(1)(b) be amended to reference specific statutes that would condition the exception, or delete the conditional reference to other state law.
2. Section 11 imposes a property tax on the owner of a recorded mineral interest. Section 3(3) defines mineral interest to include interests derived from the ownership of the mineral estate, including royalty, production payment, executive right, non-elective right, leasehold, or lien related to minerals. It is unclear whether such interests in state-owned land are intended to be subject to recordation and taxation under this act. The DNRC recommends Section 4(1)(b) be amended to clarify that the act does not apply to "a mineral interest of <u>or derived from</u> this state or an agency or political subdivision of this state."

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON TRANSPORTATION

Call to Order: By **CHAIRMAN SCOTT MENDENHALL**, on February 7, 2005 at 3:15 P.M., in Room 172 Capitol.

ROLL CALL

Members Present:
Rep. Scott Mendenhall, Chairman (R)
Rep. Jill Cohenour, Vice Chairman (D)
Rep. Bernie Olson, Vice Chairman (R)
Rep. Elsie Arntzen (R)
Rep. John Balyeat (R)
Rep. Bob Bergren (D)
Rep. George Golie (D)
Rep. Jim Keane (D)
Rep. Monica Lindeen (D)
Rep. Gary MacLaren (R)
Rep. Bruce Malcolm (R)

Members Excused:
Rep. Larry Jent (D)

Members Absent: None.

Staff Present: Kyanne Kelly, Committee Secretary
Leanne Kurtz, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:
Hearing & Date Posted: HB 492, 2/9/2005
Executive Action: HJ 12, HB 451, HB 475, HB 478, HB 52

HEARING ON HB 492

Opening Statement by Sponsor:

REP. PENNY MORGAN (R), HD 57, opened the hearing on **HB 492,** Abandon certain highway right-of-way for certain adjoining property owners.
00:02:15_____

Proponents' Testimony:
00:05:16 Tim Reardon, Department of Transportation
00:14:01 John Thielen, Resident of Danford Drive
00:15:56 Charles Brooks, Yellowstone County Commission

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:
00:16:49

Closing by Sponsor:
00:44:41

EXECUTIVE ACTION ON HJ 12

Motion: REP. OLSON moved that HJ 12 DO PASS.

Motion: REP. OLSON moved that HJ 12 BE AMENDED.

Discussion:
00:59:44
EXHIBIT(trh30a01)

Vote: Motion carried unanimously by voice vote. REP JENT voted by proxy.

Motion/Vote: REP. OLSON moved that HJ 12 DO PASS AS AMENDED. Motion carried unanimously by voice vote. REP JENT voted by proxy.

EXECUTIVE ACTION ON HB 451

Motion: **REP. OLSON moved that HB 451 DO PASS.**

Motion: **REP. OLSON moved that HB 451 BE AMENDED.**

Discussion:
EXHIBIT(trh30a02)
01:02:06

Vote: **Motion carried unanimously by voice vote. REP JENT voted by proxy.**

Motion: **REP. OLSON moved that HB 451 DO PASS AS AMENDED.**

Discussion:
01:04:18

Vote: **Motion carried 11-1 by voice vote with REP. BERGREN voting no. REP JENT voted by proxy.**

EXECUTIVE ACTION ON HB 475

Motion: **REP. OLSON moved that HB 475 DO PASS.**

Motion: **REP. OLSON moved that HB 475 BE AMENDED.**

Discussion:
01:18:47
EXHIBIT(trh30a03)

Vote: **Motion carried unanimously by voice vote. REP JENT voted by proxy.**

Motion: **REP. OLSON moved that HB 475 DO PASS AS AMENDED.**

Discussion:
01:29:26

Vote: **Motion carried 11-1 by voice vote with REP. MENDENHALL voting no. REP JENT voted by proxy.**

EXECUTIVE ACTION ON HB 478

Motion: **REP. OLSON moved that HB 478 DO PASS.**

Motion: **REP. BERGREN moved that HB 478 BE AMENDED.**

Discussion:
01:38:39
EXHIBIT(trh30a04)

Vote: **Motion carried unanimously by voice vote. REP JENT voted by proxy.**

Motion/Vote: **REP. OLSON moved that HB 478 DO PASS AS AMENDED. Motion carried unanimously by voice vote. REP JENT voted by proxy.**

EXECUTIVE ACTION ON HB 52

Motion: **REP. COHENOUR moved that HB 52 DO PASS.**

Discussion:
01:41:54
EXHIBIT(trh30a05)

Motion: **REP. COHENOUR moved that HB 52 BE AMENDED.**

Discussion:
01:42:38

Vote: **Motion carried 11-1 by voice vote with REP. MACLAREN voting no. REP JENT voted by proxy.**

Motion: **REP. COHENOUR moved that HB 52 DO PASS AS AMENDED.**

Discussion:
01:45:33

Vote: **Motion failed 6-6 by roll call vote with REPS. BERGREN, COHENOUR, GOLIE, JENT, KEANE, and LINDEEN voting aye. REP JENT voted by proxy.**

ADJOURNMENT

Adjournment: 5:10 P.M.

_____
REP. SCOTT MENDENHALL, Chairman

_____
KYANNE KELLY, Secretary

SM/kk

Additional Exhibits:

EXHIBIT(trh30aad0.PDF)

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON TRANSPORTATION

Call to Order: By **CHAIRMAN SCOTT MENDENHALL**, on February 14, 2005 at 3:00 P.M., in Room 172 Capitol.

ROLL CALL

Members Present:
Rep. Scott Mendenhall, Chairman (R)
Rep. Jill Cohenour, Vice Chairman (D)
Rep. Bernie Olson, Vice Chairman (R)
Rep. Elsie Arntzen (R)
Rep. John Balyeat (R)
Rep. Bob Bergren (D)
Rep. George Golie (D)
Rep. Jim Keane (D)
Rep. Monica Lindeen (D)
Rep. Gary MacLaren (R)
Rep. Bruce Malcolm (R)

Members Excused:
Rep. Larry Jent (D)

Members Absent: None.

Staff Present: Kyanne Kelly, Committee Secretary
Leanne Kurtz, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:
Hearing & Date Posted: HB 671, 2/9/2005; HB 610, 2/9/2005; HB 684, 2/9/2005; HB 688, 2/9/2005
Executive Action: HB 688, HB 684, HB 610, HB 492, HB 566

HEARING ON HB 671

Opening Statement by Sponsor:

REP. JOHN MUSGROVE (D), HD 34, opened the hearing on **HB 671**, Generally revise motor vehicle law.
00:03:12

Proponents' Testimony:
00:05:31 Dean Roberts, Department of Justice
EXHIBIT(trh36a01)
EXHIBIT(trh36a02)
00:13:11 Brenda Nordlund, Department of Justice
EXHIBIT(trh36a03)
00:31:49 John Blacker, Department of Transportation
00:32:32 Roger McGlenn, Independent Insurance Agents
00:33:00 Jim Robinson, Independent Auto Dealers
00:33:28 Steve Turkiewicz, Montana Bankers Association
00:34:04 Marilyn Olsen, Montana Auto Dealers Association
00:34:40 Stewart Doggett, Montana Land Title Association
00:35:51 Jill Jarman, Montana Credit Union
00:36:21 Rhonda Carpenter Wiggers, County Treasurers Association
00:38:01 Fred Sargeson, Montana Interactive

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:
00:39:09

Closing by Sponsor:
00:52:55

HEARING ON HB 610

Opening Statement by Sponsor:

REP. RICK MAEDJE (R), HD 2, opened the hearing on **HB 610**, Clarify property rights in fallen rock in right-of-way.
00:53:33

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony:
01:01:07 John Blacker, Department of Transportation

Questions from Committee Members and Responses:
01:03:11

Closing by Sponsor:
01:11:07

HEARING ON HB 684

Opening Statement by Sponsor:

REP. RICK MAEDJE (R), HD 2, opened the hearing on **HB 684,** Revise weight limits along Canadian border.
01:13:51
EXHIBIT(trh36a04)

Proponents' Testimony:
01:17:51 Mary Ann Roose, Lincoln County Commissioner
01:18:38 Spook Stang, Motor Carriers Association

Opponents' Testimony:
01:20:42 Denise Harris, AAA
Washington Corporation (Written Testimony)
EXHIBIT(trh36a05)

Informational Testimony: None

Questions from Committee Members and Responses:
01:21:43

Closing by Sponsor:
01:33:09

HEARING ON HB 688

Opening Statement by Sponsor:

REP. EVE FRANKLIN (D), HD 24, opened the hearing on **HB 688,** Name Highway 3 from Great Falls to Billings for Patrick Galvin.
01:35:43

Proponents' Testimony:
01:42:27 Pat Keim, Burlington Northern Santa Fe Railway
01:45:03 Spook Stang, Self

01:47:56 **REP. KATHLEEN GALVIN-HALCRO, HD 26, GREAT FALLS**
EXHIBIT(trh36a06)

Opponents' Testimony: None

Informational Testimony:
01:50:26 John Blacker, Department of Transportation

Questions from Committee Members and Responses:
01:51:01

Closing by Sponsor:
01:51:05

EXECUTIVE ACTION ON HB 688

Motion: **REP. KEANE moved that HB 688 DO PASS.**

Discussion:
02:13:31

REP. KEANE withdrew his motion for later consideration.

EXECUTIVE ACTION ON HB 684

Motion: **REP. OLSON moved that HB 684 DO PASS.**

Discussion:
02:26:31

Vote: **Motion carried 11-1 by roll call vote with REP. COHENOUR voting no. REP JENT voted by proxy.**

EXECUTIVE ACTION ON HB 610

Motion: **REP. OLSON moved that HB 610 DO PASS.**

Discussion:
02:33:25

REP. OLSON withdrew his motion for later consideration

EXECUTIVE ACTION ON HB 492

Motion: **REP. OLSON moved that HB 492 DO PASS.**

Motion: **REP. GOLIE moved that HB 492 BE AMENDED.**

Discussion:
02:36:18
EXHIBIT(trh36a07)

Vote: **Motion carried 11-1 by voice vote with REP. OLSON voting no. REP JENT voted by proxy.**

Motion: **REP. GOLIE moved that HB 492 DO PASS AS AMENDED.**

Discussion:
02:38:39

Vote: **Motion carried unanimously by voice vote. REP JENT voted by proxy.**

EXECUTIVE ACTION ON HB 566

Motion: **REP. COHENOUR moved that HB 566 DO PASS.**

Motion: **REP. COHENOUR moved that HB 566 BE AMENDED.**

Discussion:
02:41:33
EXHIBIT(trh36a08)

Vote: **Motion carried unanimously by voice vote. REP JENT voted by proxy.**

Motion: **REP. OLSON moved that HB 566 DO PASS AS AMENDED.**

Discussion:
02:45:13

Vote: **Motion failed 6-6 by voice vote with REPS. ARNTZEN, BALYEAT, BERGREN, MACLAREN, MALCOLM and OLSON voting aye. REP JENT voted by proxy.**

ADJOURNMENT

Adjournment: 6:00 P.M.

_____
REP. SCOTT MENDENHALL, Chairman

_____
KYANNE KELLY, Secretary

SM/kk

Additional Exhibits:

EXHIBIT(trh36aad0.PDF)

EXHIBIT 7
DATE 2-14-05
HB 492

Amendments to House Bill No. 492
1st Reading Copy

Requested by Representative George Golie

For the House Transportation Committee

Prepared by Greg Petesch
February 10, 2005 (9:22am)

1. Page 1, line 26.
Strike: "both sides"
Insert: "one side"

- END -

HOUSE OF REPRESENTATIVES
Roll Call
TRANSPORTATION COMMITTEE

DATE 2-14-05

NAME	PRESENT	ABSENT	EXCUSED
REP. SCOTT MENDENHALL, CHAIR	✓		
REP. BERNIE OLSON, VICE CHAIR	✓		
REP. JILL COHENOUR, VICE CHAIR	✓		
REP. ELSIE ARNTZEN	✓		
REP. JOHN BALYEAT	✓		
REP. BOB BERGREN	✓		
REP. GEORGE GOLIE	✓		
REP. LARRY JENT			✓
REP. JIM KEANE	✓		
REP. MONICA LINDEEN	✓		
REP. GARY MacLAREN	✓		
REP. BRUCE MALCOLM	✓		

HOUSE STANDING COMMITTEE REPORT

February 15, 2005

Mr. Speaker:

We, your committee on **Transportation** recommend that **House Bill 492** (first reading copy -- white) **do pass as amended.**

Signed: _____
Representative Scott Mendenhall, Chair

And, that such amendments read:

1. Page 1, line 26.
Strike: "both sides"
Insert: "one side"

- END -

Committee Vote:
Yes 12, No 0.

370822SC.hkh
2/15/05

HOUSE STANDING COMMITTEE REPORT

February 15, 2005

Mr. Speaker:

We, your committee on **Transportation** recommend that **House Bill 684** (first reading copy -- white) **do pass**.

Signed: _____
Representative Scott Mendenhall, Chair

- END -

Committee Vote:
Yes 11, No 1.

370823SC.hkh
2/15/05

HOUSE OF REPRESENTATIVES
Roll Call Vote
TRANSPORTATION COMMITTEE

DATE 2-14-05 BILL NO 684 MOTION NO.
MOTION: DO PASS

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. BERNIE OLSON, VICE CHAIR	✓		
REP. JILL COHENOUR, VICE CHAIR		✓	
REP. ELSIE ARNTZEN	✓		
REP. JOHN BALYEAT	✓		
REP. BOB BERGREN	✓		
REP. GEORGE GOLIE	✓		
REP. LARRY JENT	✓		
REP. JIM KEANE	✓		
REP. MONICA LINDEEN	✓		
REP. GARY MacLAREN	✓		
REP. BRUCE MALCOLM	✓		
REP. SCOTT MENDENHALL, CHAIR	✓		
	11	1	

S:/TransRollCallVote2005

COMMITTEE PROXY

DATE:_____

I request to be excused from the Transportation

Committee because of other commitments. I desire to leave my proxy vote with:

Jill Cohenour.

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

	HOUSE BILL/AMENDMENT	AYE	NO
1/21/05	HB224		✓
	HB187 Amend	✓	
	as Amended	✓	
	HB275	✓	
	HB458 TABLE	✓	
2/14/05	HB684	✓	
	HB492 Amend	✓	
	HB492 As Amended	✓	
	HB566 Amend	✓	
	HB566 As Amend.	✓	6-6

SENATE BILL/AMENDMENT	AYE	NO

Rep./Sen. Larry Jut
(Signature)

S:\PROXY 2005.wpd

VISITORS REGISTER

Montana
House of Representatives
Transportation Committee

Bill Number: HB 671 Date: 2/14/05

Please print ~ Please print ~ Please print ~ Please print

Name	Representing	Support	Oppose	Informational
Marilyn Olsen	MT Auto Dealers	✓		
Jim Robinson	MT IND AUTO DLRS	✓		
Rich Olsen	State Postal	✓		
Roger McGlenn	IEAM	✓		
Dean Roberts	DOJ / MVD	✓		
Brenda Nordlund	DOJ / attorney Gen office	✓		
Steve Turkiewicz	Mt Bankers Assn	✓		
Jill Jarman	MT Credit Unions	✓		
Ronda Carpenter-Wiggers	MT City Treas Assoc	✓		
Stuart Doggett	MT Manufactured Housing & RV Assoc & MT Land Title Assoc	X		
John Blacker	MDT	X		

Please leave prepared testimony with Committee Secretary. Witness Statement forms are available if you care to submit written testimony.

VISITORS REGISTER

Montana
House of Representatives
Transportation Committee

Bill Number: HB 610 Date: 2/14/05

Please print ~ Please print ~ Please print ~ Please print

Name	Representing	Support	Oppose	Informational
D John Blacker	MDT			✓
RICK MAEDJE	HD 2	X		

Please leave prepared testimony with Committee Secretary. Witness Statement forms are available if you care to submit written testimony.

VISITORS REGISTER

Montana
House of Representatives
Transportation Committee

Bill Number: HB 688 Date: 2/14/05

Please print ~ Please print ~ Please print ~ Please print

Name	Representing	Support	Oppose	Informational
[illegible]	MDT			✓
Barry Stang	Self	✓		
Pat Sens	Self	✓		

Please leave prepared testimony with Committee Secretary. Witness Statement forms are available if you care to submit written testimony.

VISITORS REGISTER

Montana
House of Representatives
Transportation Committee

Bill Number: HB 684 Date: 2/14/05

Please print ~ Please print ~ Please print ~ Please print

Name	Representing	Support	Oppose	Informational
Denice Ferris	AAA			
RICK MAEDJE		HD2		
Marianne B. Rosse	Lincoln Co. Comm	✓		
DREW LIVESAY	MDT/MCS			X
B Stay	MMCA	✓		
[illegible]	BDSF		✓	

Please leave prepared testimony with Committee Secretary. Witness Statement forms are available if you care to submit written testimony.

MINUTES

MONTANA SENATE
59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

00:00:01
Call to Order: By **CHAIRMAN GERALD PEASE**, on March 24, 2005 at 5:00 P.M., in Room 405 Capitol.

ROLL CALL

Members Present:
Sen. Gerald Pease, Chairman (D)
Sen. Jerry W. Black (R)
Sen. John Brueggeman (R)
Sen. Vicki Cocchiarella (D)
Sen. Sam Kitzenberg (R)
Sen. Jesse Laslovich (D)
Sen. Frank Smith (D)
Sen. Donald J. Steinbeisser (R)

Members Excused: Sen. Dan Weinberg (D)

Members Absent: None.

Staff Present: Peg Holwick, Committee Secretary, Audio Technician
Todd Everts, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:
Hearing & Date Posted: HB 688, 3/2/2005;
HB 492, 2/22/2005;HB 746, 3/1/2005;
HJ 12,2/22/2005; HB 671, 3/15/2005
Executive Action: HB 688

HEARING ON HB 688

00:00:41
Opening Statement by Sponsor:

REP. EVE FRANKLIN (D), HD 24, opened the hearing on **HB 688,** Name Highway 3 from Great Falls to US Highway 89 at Armington for Patrick Galvin.

Proponents' Testimony:

00:06:03 **Spook Stang, on behalf of self**
00:08:44 **REP. KATHLEEN GALVIN-HALCRO, HD 26, GREAT FALLS**

EXHIBIT(his65a01)

Opponents' Testimony: None.

Informational Testimony:

00:12:00 **John Black, Director of Maintenance for Montana Department of Transportation (MDOT)**

Questions from Committee Members and Responses: None.

00:12:40
Closing by Sponsor:

EXECUTIVE ACTION ON HB 688

00:13:58
Motion/Vote: **SEN. LASLOVICH moved that HB 688 BE CONCURRED IN. Motion carried unanimously by voice vote. SEN. WEINBERG voted by Proxy.**

HEARING ON HB 492

00:16:25
Opening Statement by Sponsor:

REP. PENNY MORGAN (R), HD 57, opened the hearing on **HB 492,** Abandon certain highway right-of-way for certain adjoining property owners.

Proponents' Testimony:

00:17:59 **Tim Reardon, Attorney for MDOT**

EXHIBIT(his65a02)
EXHIBIT(his65a03)

Opponents' Testimony: None.

Informational Testimony: None.

00:28:16
Questions from Committee Members and Responses:

00:30:55
Closing by Sponsor:

HEARING ON HB 746

00:32:43
Opening Statement by Sponsor:

REP. HARRY KLOCK (R), HD 83, opened the hearing on **HB 746,** Clarify vehicle registration requirements for active duty Montanans.

Proponents' Testimony:

00:33:27 **Dean Roberts, Administrator, Motor Vehicle Division**
00:34:08 **Roger Hagen, United States Army National Guard**
00:34:40 **Rhonda Carpenter Wiggers, Montana County Treasures' Association**

Opponents' Testimony: None.

Informational Testimony: None.

00:35:15
Questions from Committee Members and Responses:

00:36:24
Closing by Sponsor:

HEARING ON HJ 12

00:37:32
Opening Statement by Sponsor:

REP. ROBIN HAMILTON (D), HD 92, opened the hearing on **HJ 12,** Encourage construction of roundabouts.

EXHIBIT(his65a04)

Proponents' Testimony:

00:40:48 **Loren Frazier, Chief Engineer, MDOT**
00:41:49 **Spook Stang, Montana Motor Carriers' Association**

Opponents' Testimony: None.

Informational Testimony:

00:43:03 **Mike Duman, Federal Highway Administration**

00:43:36
Questions from Committee Members and Responses:

00:49:20
Closing by Sponsor:

HEARING ON HB 671

00:50:31
Opening Statement by Sponsor:

REP. JOHN MUSGROVE (D), HD 34, opened the hearing on **HB 671,** Generally revise motor vehicle law.

EXHIBIT(his65a05)

Proponents' Testimony:

00:53:24 **Dean Roberts, Administrator, Motor Vehicle Division**

EXHIBIT(his65a06)
EXHIBIT(his65a07)

01:02:08 **Brenda Nordland, Department of Justice**
01:13:03 **Jim Robinson, Montana Independent Automobile Dealer Association**
01:13:45 **Spook Stang, Executive Vice President, Montana Motor Carriers' Association**
01:14:01 **Joe Mazurek, Montana Interconnect**
01:14:55 **Marilyn Olsen, Montana Automobile Dealer Association**
01:15:19 **Steve Turkievicz, Montana Bankers' Association**
01:16:07 **Stuart Doggett, Montana Manufactured Housing and RV Association**

01:16:43 **Rhonda Carpenter Wiggers, Montana County Treasures' Association**

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

01:18:04
Closing by Sponsor:

ADJOURNMENT

Adjournment: 6:25 P.M.

_____
SEN. GERALD PEASE, Chairman

_____
PEG HOLWICK, Secretary

GP/ph

Additional Exhibits:

EXHIBIT(his65aad0.PDF)

Montana Department of Transportation
Right–of–Way Bureau
PO Box 201001
Helena, MT 59620–1001

SENATE HIGHWAYS AND TRANSPORTATION
EXHIBIT NO. 2
DATE: 3/24/05
BILL NO. HB 492

astro\row\forms\res\pro\152 Revised 03/15/2005

State Of Montana
Department Of Transportation

Project ID: I 90-8(16) 437 County: Yellowstone
Designation: Mossmain-Billings; North Frontage Road
Project No.: Z430-005-000

ABANDONMENT ORDER

Know All Men By These Presents:

Pursuant to Mont. Code Ann. §60-^^^^The State of Montana Transportation Commission, ["Commission"], in regular meeting assembled, does concur in the following findings and order and hereby releases and forever abandons the following described property with no intention to reclaim or use again.

Tracts of land within the S1/2 of Section 28, Township 1 South, Range 25 East, M.P.M., Yellowstone County, Montana, as shown by the shaded areas on the plat, consisting of two sheets attached hereto and made a part hereof, containing an area of 4.22 acres , more or less, ["Subject Property"].

Findings:

THAT on the 28th day of August, 2003, the Commission received a petition for the abandonment of a portion of highway right-of-way; the petition was in writing and was signed by three or more owners of contiguous property.

THAT the Department has determined that the Subject Property is not necessary to the laying out, altering, construction, improvement, or maintenance of a highway.

THAT the Commission has found:

- that the cost of disposing of the Subject Property by sale pursuant to Mont. Code Ann. § 60-4-202 or exchange pursuant to § 60-4-201 exceeds the fair market value of the Subject Property;
- that a remainder exists to provide reasonable access as required by Mont. Code Ann. § 60-2-107(4) and (5); and

[CHOOSE ONE:]

- the disposal qualifies as an exception to 23 CFR 710.403(d).
- reimbursement of federal funds is not required.
- the Commission agrees to any required reimbursement of federal funds.

THAT on the day of , 20 , the Commission notified the Yellowstone

County Board of Commissioners in writing of the Commission's intent to abandon the Subject Property.

THAT the Commission published notice of the proposed abandonment and public hearing for three successive weeks in .

THAT on the day of , 2005, the Commission held a public hearing in Yellowstone County.

NOW THEREFORE, subject to all easements and utilities apparent or of record, the Commission hereby discharges, releases and forever abandons the Subject Property with no intention to reclaim or use the right-of-way again.

The Commission directs the Department to record this order, with exhibits attached, in the office of the clerk and recorder of Yellowstone County.

IN WITNESS WHEREOF, WE, the Undersigned, Transportation Commissioners, do hereby certify that the above findings and this order were adopted and executed upon the favorable vote of at least three members of the State of Montana Transportation Commission at a meeting of said commission, held on the day of , 2005.

DATED this day of , 2005.

STATE OF MONTANA
DEPARTMENT OF TRANSPORTATION

_____
Jim Lynch, Director

STATE OF MONTANA
TRANSPORTATION COMMISSION

_____
William T. Kennedy aka Bill Kennedy, Chairperson

ATTEST:

_____
Lorelle M. Demont, Secretary

[COMMISSION SEAL]

STATE OF MONTANA)
):ss
LEWIS & CLARK COUNTY)

This instrument was acknowledged before me on the day of , 2005, by Jim Lynch as director of the Montana Department of Transportation.

_____
_____, Notary Public
Residing at _____
My commission expires: _____

[NOTARIAL SEAL]

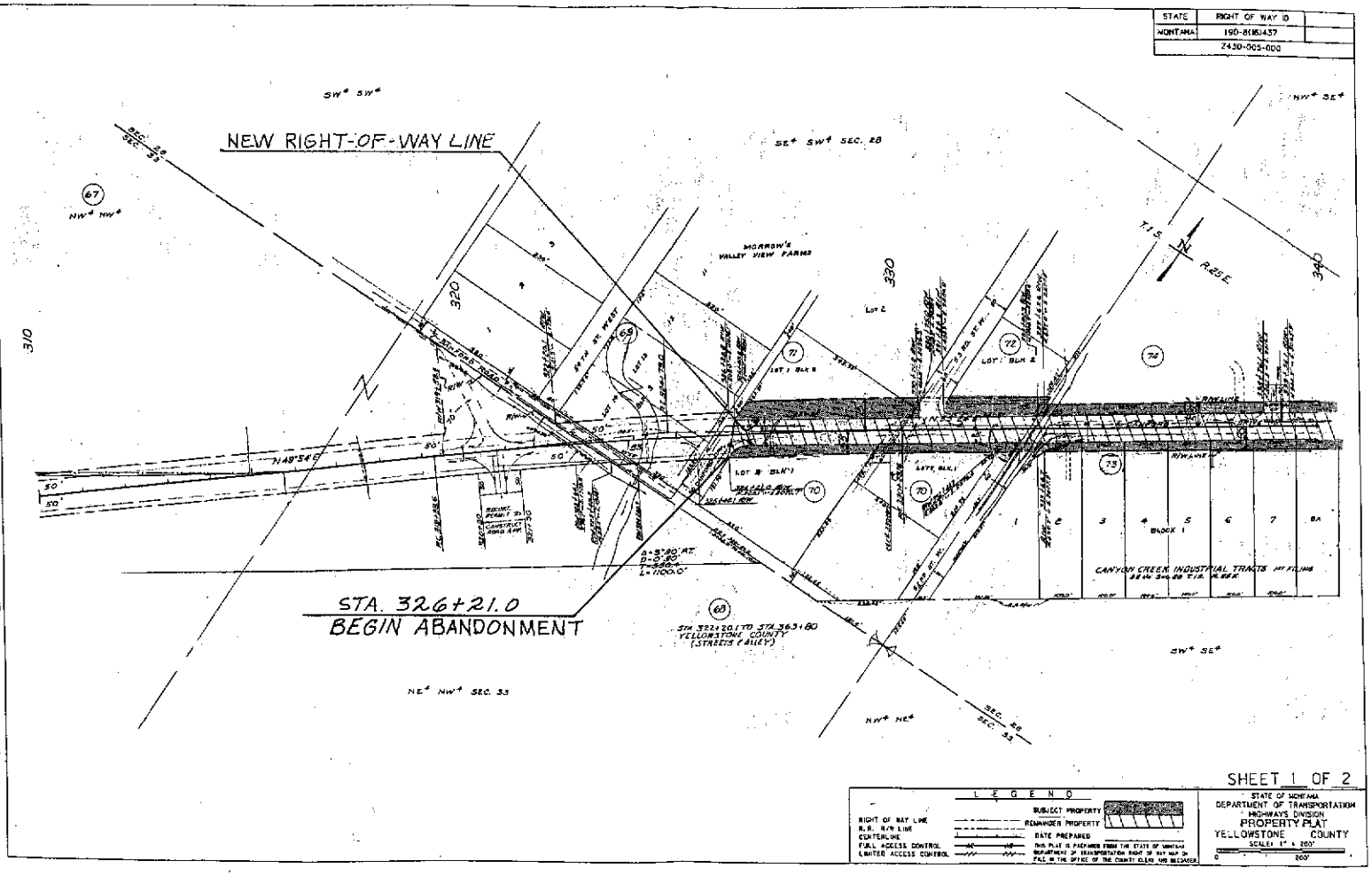
STATE OF MONTANA)
):ss
COUNTY)

This instrument was acknowledged before me on the day of , 2005, by William T. Kennedy aka Bill Kennedy as chairperson of the Montana Transportation Commission.

_____
_____, Notary Public
Residing at _____
My commission expires: _____

[NOTARIAL SEAL]

STATE	RIGHT OF WAY ID
MONTANA	190-8(85)437
	7430-005-000



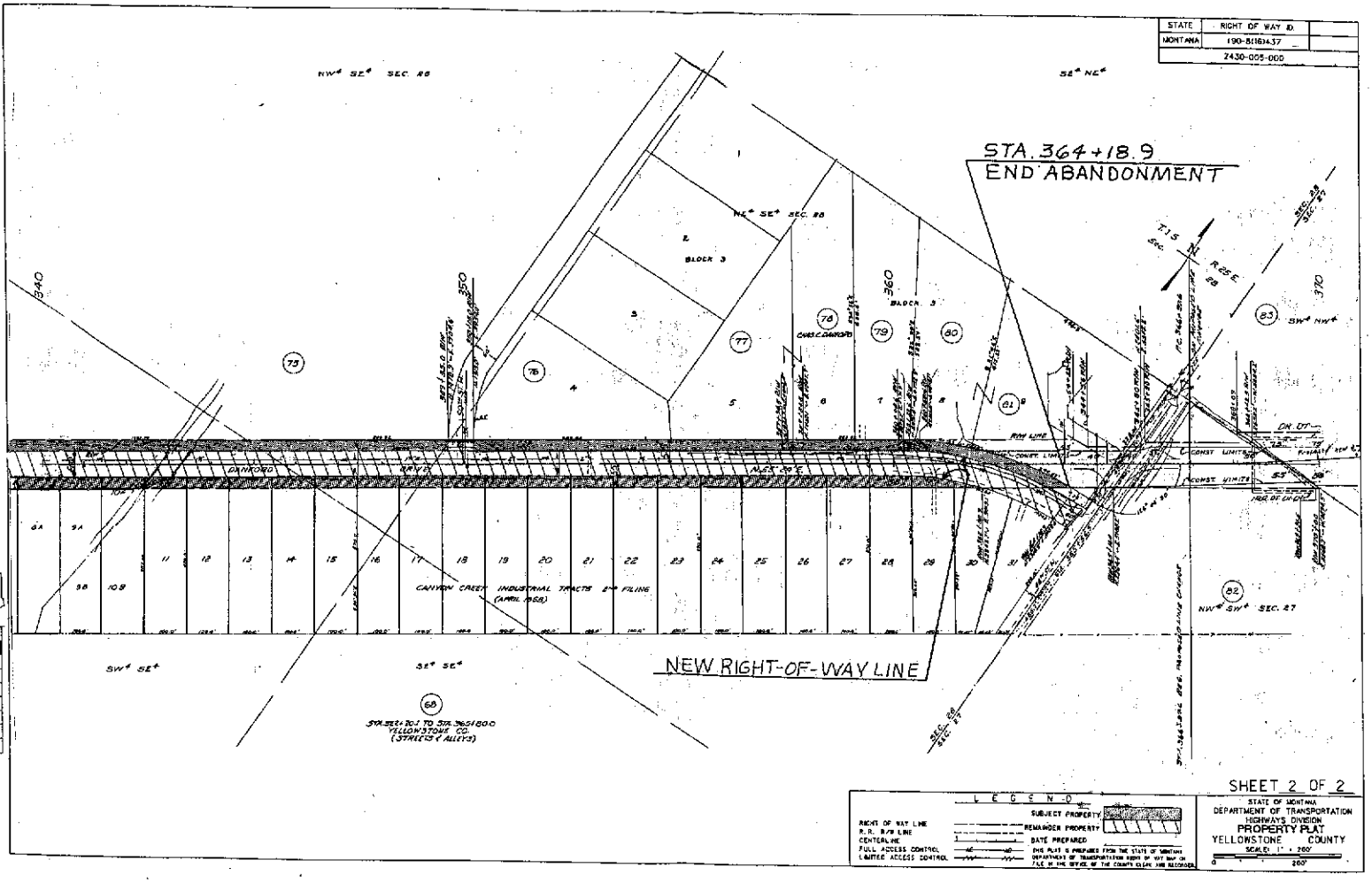
SHEET 1 OF 2

L E G E N D

RIGHT OF WAY LINE	SUBJECT PROPERTY
R.R. R/W LINE	REMAINDER PROPERTY
CENTERLINE	DATE PREPARED
FULL ACCESS CONTROL	THIS PLAT IS PREPARED FROM THE STATE OF MONTANA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP ON FILE IN THE OFFICE OF THE COUNTY CLERK AND RECORDER
LIMITED ACCESS CONTROL	

STATE OF MONTANA
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION
PROPERTY PLAT
YELLOWSTONE COUNTY
SCALE: 1" = 200'
0 200'

STATE	RIGHT OF WAY ID
MONTANA	190-8(16)4.37
	2430-005-000



SHEET 2 OF 2

L E G E N D

RIGHT OF WAY LINE	SUBJECT PROPERTY
R.R. R/W LINE	REMAINDER PROPERTY
CENTERLINE	DATE PREPARED
FULL ACCESS CONTROL	THIS PLAT IS PREPARED FROM THE STATE OF MONTANA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP ON FILE IN THE OFFICE OF THE COUNTY CLERK AND RECORDER
LIMITED ACCESS CONTROL	

STATE OF MONTANA
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION
PROPERTY PLAT
YELLOWSTONE COUNTY
SCALE: 1" = 200'
0 200'

SENATE HIGHWAYS AND TRANSPORTATION
EXHIBIT NO. 3
DATE: 3/24/2005
BILL NO. HB 492

February 5, 2005

Re: Property located at 5304 - 5310 Danford Drive, Billings, Yellowstone County, MT

2005 MONTANA STATE LEGISLATURE::

Attached are copies of Yellowstone County, Montana Tax Statements for the years 1997 through 2004. There are statements for 1995 and 1996 as well, but are filed at another location; so they were not copied. Please notice that for years 1997 through 2003 the legal description does not include "(Less .188 AC H/W)"; however, the 2004 Tax Statement does include this description.

The value and subsequent purchase of this property in 1985 was based on full faith in the legal description as recorded at the Yellowstone County Clerk and Recorder's office. If the newly recorded legal description is allowed to stand, it will very severely impact my property's use and value.

Also, it is my understanding that the original intent of the Montana Highway Department to construct a frontage road in this area has been abandoned. Therefore, I ask that the Montana State Legislature introduce and pass special legislation to remove the property owners on Danford Drive from this unintended and unforeseen legal quaqmire.

Thank you.

Lou Anne Jones
3343 Parkhill Dr.
Billings, MT 59102
406-656-0585

FOR ASSESSMENT INFORMATION ONLY - SEE PAGE 2 FOR AMOUNT DUE

TOTAL MARKET VALUE $ 29,489

SCHOOL DISTRICT	TAXABLE VALUE	MILL LEVY	TAX
4	973	.55835	543.28

LEGAL DESCRIPTION

MORROW'S VALLEY 3 1
VIEW FARMS
(LESS NW 45' STRIP)
(LESS .188 AC H/W) (04)

TAX STATEMENT

TAX CODE- C02514B 6

YELLOWSTONE COUNTY MONTANA

YEAR 10/31/04

YELLOWSTONE COUNTY TREASURER
BOX 35010
BILLINGS, MT 59107

(406) 256-2802

DELINQUENT TAXES

YEAR	AMOUNT

INTEREST COMPUTED THROUGH

PAYMENT ON ANOTHER DATE WILL AFFECT AMOUNT DUE. CALL (406) 256-2802 FOR EXACT AMOUNT.

2ND HALF PAYMENT

RETURN STUB WITH PAYMENT

MAIL TO:

YELLOWSTONE COUNTY TREASURER
BOX 35010
BILLINGS, MT 59107

TAX CODE NUMBER: C02514B 6

2ND HALF PAYMENT 04
DUE 05/31/05
$ 274.38

AMOUNT ENCLOSED
$

PAGE 1 OF 2

OTHER CHARGES DESCRIPTION	DISTRICT CODE	1ST HALF DUE	2ND HALF DUE	TOTAL
DANFORD DRAINAGE DIST	DAND	2.50	2.50	5.00
SOIL CONSERVATION DIST	SOIL	0.24	0.24	0.48
		Pd 11/01/04 ck # 1524		
TOTAL OTHER CHARGES FROM PAGE 2		2.74	2.74	5.48
GENERAL TAXES FROM PAGE 1		271.64	271.64	543.28
		274.38	274.38	548.76
TAX CODE - C02514B 6	TOTALS ▶	1ST HALF DUE 11/30/04	2ND HALF DUE 05/31/05	▲ TOTAL ▲

PA
2 O

BREAKDOWN OF YOUR TAX DOLLARS

	Current Year	Prior Year	Change
SCHOOL TAX	320.53	370.61	-50.08
STATE TAX (Education)	99.73	106.39	-6.66
COUNTY TAX	91.67	93.10	-1.43
CITY TAX			
BIG SKY ECONOMIC DEVEL.	2.64	2.55	0.09
COUNTY ROAD TAX	28.09	29.04	-0.95
COUNTY WEED TAX	0.62	0.64	-0.02
TOTAL TAXES from page 1	543.28	602.33	-59.05
OTHER CHARGES above	5.48	5.49	-0.01
TOTAL AMOUNT	548.76	607.82	-59.06

YELLOWSTONE COUNTY, MONTANA

YEAR 2004

PLEASE RETURN REMITTANCE STUB ON PAGE 1 WITH YOUR PAYMENT.

TOTAL MARKET VALUE $ 30,536

SCHOOL DISTRICT	TAXABLE VALUE	MILL LEVY	TAX
4	1,038	.58028	602.33

LEGAL DESCRIPTION

MORROW'S VALLEY
VIEW FARMS
(LESS NW 45' STRIP)

3 1

TAX CODE- C02514B 6

YELLOWSTONE COUNT
MONTANA

YEAR 10/31/0

YELLOWSTONE COUNTY TREASURE
BOX 35010
BILLINGS, MT 59107

(406) 256-2802

DELINQUENT TAXES

YEAR AMOU

INTEREST COMPUTED THROUGH

PAYMENT ON ANOTHER DATE WILL AFFECT AMOUNT DUE. CALL (406) 256-2802 FOR EXACT AMOUNT

PAGE 1 OF 2

OTHER CHARGES DESCRIPTION	DISTRICT CODE	1ST HALF DUE	2ND HALF DUE	TOTAL
DANFORD DRAINAGE DIST	DAND	2.50	2.50	5.00
SOIL CONSERVATION DIST	SOIL	0.25	0.24	0.49
		pd 11/26/03 ck #1450	pd 5/24/04 ck# 1497	
TOTAL OTHER CHARGES FROM PAGE 2		2.75	2.74	5.49
GENERAL TAXES FROM PAGE 1		301.17	301.16	602.33
		303.92	303.90	607.82
TAX CODE - C02514B 6	TOTALS ▶	1ST HALF DUE 11/30/03	2ND HALF DUE 05/31/04	▲TOTAL▲

PA
2 O

BREAKDOWN OF YOUR TAX DOLLARS

	Current Year	Prior Year	Change
SCHOOL TAX	370.61	239.70	130.91
STATE TAX (Education)	106.39	70.01	36.38
COUNTY TAX	93.10	53.87	39.23
CITY TAX			
BIG SKY ECONOMIC DEVEL.	2.55	1.69	0.86
COUNTY ROAD TAX	29.04	17.41	11.63
COUNTY WEED TAX	0.64	0.40	0.24
TOTAL TAXES (from page 1)	602.33	383.08	219.25
OTHER CHARGES (above)	5.49	40.31	-34.82
TOTAL AMOUNT	607.82	423.39	184.43

YELLOWSTONE COUNTY, MONTANA

YEAR 2003

PLEASE RETURN REMITTANC STUB ON PAGE 1 WITH YOU PAYMENT.

FOR ASSESSMENT IN CALENDAR YEAR

TOTAL MARKET VALUE $ 19,723

SCHOOL DISTRICT	TAXABLE VALUE	MILL LEVY	TAX
4	683	.56087	383.08

LEGAL DESCRIPTION

MORROW'S VALLEY
VIEW FARMS
(LESS NW 45' STRIP)

3 1

TAX STATEMENT

TAX CODE- C02514B 6

YELLOWSTONE COUNTY
MONTANA

YEAR 10/31/02

YELLOWSTONE COUNTY TREASURER
BOX 35010
BILLINGS, MT 59107

(406) 256-2802

DELINQUENT TAXES

YEAR	AMOUNT

INTEREST COMPUTED THROUGH

PAYMENT ON ANOTHER DATE WILL AFFECT AMOUNT DUE. CALL (406) 256-2802 FOR EXACT AMOUNT.

PAGE 1 OF 2

OTHER CHARGES DESCRIPTION	DISTRICT CODE	1ST HALF DUE	2ND HALF DUE	TOTAL
GENERAL TAXES FROM PAGE 1				
DANFORD DRAINAGE DIST	DAND	2.50	2.50	5.00
SOIL CONSERVATION DIST	SOIL	0.16	0.15	0.31
BLGS URBAN FIRE SERV A	BUFS	17.50	17.50	35.00
		pd 11/26/02 ck #1333	pd 5/08/03 ck #1387	
TOTAL OTHER CHARGES		20.16	20.15	40.31
GENERAL TAXES FROM PAGE 1		191.54	191.54	383.08
TAX CODE - C02514B 6	TOTALS ▶	211.70	211.69	423.39
		1ST HALF DUE 11/30/02	2ND HALF DUE 05/31/03	▲TOTAL▲

PAGE 2 OF 2

BREAKDOWN OF YOUR TAX DOLLARS

	Current Year	Prior Year	Change
SCHOOL TAX	239.70	169.25	70.45
STATE TAX (Education)	70.01	66.52	3.49
COUNTY TAX	53.87	46.87	7.00
CITY TAX			
BIG SKY ECONOMIC DEVEL.	1.69	1.56	0.13
COUNTY ROAD TAX	17.41	15.81	1.60
COUNTY WEED TAX	0.40	0.36	0.04
TOTAL TAXES (from page 1)	383.08	300.37	82.71
OTHER CHARGES (above)	40.31	36.28	4.03
TOTAL AMOUNT	423.39	336.65	86.74

YELLOWSTONE COUNTY, MONTANA

YEAR 2002

PLEASE RETURN REMITTANCE STUB ON PAGE 1 WITH YOUR PAYMENT.

HOOL TRICT	TAXABLE VALUE	MILL LEVY	TAX
	649	.46283	300.37

LEGAL DESCRIPTION

MORROW'S VALLEY
VIEW FARMS 3 1
(LESS NW 45' STRIP)

TAX CODE-C02514B 6

YELLOWSTONE COUNTY, MONTANA

YEAR 10/31/01

YELLOWSTONE COUNTY TREASURER
BOX 35010
BILLINGS, MT 59107

(406) 256-2802

DELINQUENT TAXES

YEAR	AMOUNT

INTEREST COMPUTED THROUGH

PAYMENT ON ANOTHER DATE WILL AFFECT AMOUNT DUE. CALL (406) 256-2802 FOR EXACT AMOUNT.

GENERAL TAXES FROM PAGE 1

DANFORD DRAINAGE DIST	DAND	2.50	2.50
SOIL CONSERVATION DIS	SOIL	0.14	0.14
BLGS URBAN FIRE SERV	BUFS	15.50	15.50
	TOTALS ▶	168.33	168.32
		1ST HALF DUE 11/30/01	2ND HALF DUE 05/31/02

01 Nov. 01 ck # 1237

20 Jan 02 ck # 1284 172.66 - Late pen

BREAKDOWN OF YOUR TAX DOLLARS

SCHOOL TAX	169.25
STATE TAX (EDUCATION)	66.52
COUNTY	46.87
CITY	
BIG SKY ECON.	1.56
COUNTY ROADS	15.81
COUNTY WEED	0.36
OTHER CHARGES	36.28
TOTAL AMOUNT	336.65

TAX CODE- C02514B 6

JONES, LOU ANNE

3343 PARKHILL DR
BILLINGS MT 59102-6550

YELL

SEE REVERSE SIDE FOR MORE INFORMATION

PLE STU PAY

HOOL STRICT	TAXABLE VALUE	MILL LEVY	TAX
4	614	.42637	261.79

LEGAL DESCRIPTION

MORROW'S VALLEY
VIEW FARMS 3 1
(LESS NW 45' STRIP)

TAX CODE- C02514B 6

YELLOWSTONE COUNTY, MONTANA

YEAR 10/31/00

YELLOWSTONE COUNTY TREASURER
BOX 35010
BILLINGS, MT 59107

(406) 256-2802

DELINQUENT TAXES

YEAR	AMOUNT

INTEREST COMPUTED THROUGH

PAYMENT ON ANOTHER DATE WILL AFFECT AMOUNT DUE. CALL (406) 256-2802 FOR EXACT AMOUNT.

GENERAL TAXES FROM PAGE 1

DANFORD DRAINAGE DIST	DAND	2.50	2.50
SOIL CONSERVATION DIS	SOIL	0.13	0.13
BLGS URBAN FIRE SERV	BUFS	15.50	15.50
		pd 11/13/00 ck# 1101	pd 5/26/01 ck# 1178
	TOTALS ▶	1ST HALF 149.03 DUE 11/30/00	2ND HALF 149.02 DUE 05/31/01

BREAKDOWN OF YOUR TAX DOLLARS

SCHOOL TAX	141.78
STATE TAX (EDUCATION)	62.93
COUNTY	41.10
CITY	
MT TRADEPORT	1.43
COUNTY ROADS	14.22
COUNTY WEED	0.33
OTHER CHARGES	36.26
TOTAL AMOUNT	298.05

TAX CODE- C02514B 6

JONES, LOU ANNE

3343 PARKHILL DR
BILLINGS MT 59102-6550

YEL

SEE REVERSE SIDE FOR MORE INFORMATION

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PAY

HOOL TRICT	TAXABLE VALUE	MILL LEVY	TAX
	583	.42388	247.12

LEGAL DESCRIPTION

JONES, LOU ANNE
MORROW'S VALLEY
VIEW FARMS 3 1
(LESS NW 45' STRIP)

TAX CODE- C02514B 6

YELLOWSTONE COUNTY, MONTANA

YEAR 10/31/99

YELLOWSTONE COUNTY TREASURER
BOX 35010
BILLINGS, MT 59107

(406) 256-2802

DELINQUENT TAXES

YEAR	AMOUNT

INTEREST COMPUTED THROUGH

PAYMENT ON ANOTHER DATE WILL AFFECT AMOUNT DUE. CALL (406) 256-2802 FOR EXACT AMOUNT.

DANFORD DRAINAGE DIST	DAND	2.50	2.50
SOIL CONSERVATION DIS	SOIL	0.12	0.12
BLGS URBAN FIRE SERV	BUFS	15.50	15.50

11/16/99 ck # 1448

3/27/00 ck # 1047

BREAKDOWN OF YOUR TAX DOLLARS

SCHOOL TAX	139.05
STATE TAX (EDUCATION)	59.76
COUNTY	37.47
CITY	
BIG SKY ECON.	1.24
COUNTY ROADS	9.31
COUNTY WEED	0.29
OTHER CHARGES	36.24
TOTAL AMOUNT	283.36

TOTALS ▶	1ST HALF	2ND HALF
	141.68	141.68
	DUE 11/30/99	DUE 05/31/00

TAX CODE- C02514B 6

JONES, LOU ANNE

3343 PARKHILL DR
BILLINGS MT 59102-6550

SEE REVERSE SIDE FOR MORE INFORMATION

YELL

PLEA
STUB
PAYM

HOOL TRICT	TAXABLE VALUE	MILL LEVY	TAX
	601	.39953	240.12

LEGAL DESCRIPTION

AMUNDSEN, TRAVIS
MORROW'S VALLEY
VIEW FARMS 3 1
(LESS NW 45' STRIP)

TAX CODE- C02514B 6

YELLOWSTONE COUNTY, MONTANA

YEAR 10/31/98

YELLOWSTONE COUNTY TREASURER
BOX 35010
BILLINGS, MT 59107

(406) 256-2802

DELINQUENT TAXES

YEAR	AMOUNT

INTEREST COMPUTED THROUGH

PAYMENT ON ANOTHER DATE WILL AFFECT AMOUNT DUE. CALL (406) 256-2802 FOR EXACT AMOUNT.

SOIL CONSERVATION DIS	SOIL	0.12	0.12
BLGS URBAN FIRE SERV	BUFS	15.00	15.00
	TOTALS ▶	135.18	135.18
		1ST HALF DUE 11/30/98	2ND HALF DUE 05/31/99 ▲

pd 11/11/98 ck #1393

pd 5/27/99 ck # 1454-TMA

BREAKDOWN OF YOUR TAX DOLLARS

SCHOOL TAX	130.69
STATE TAX (EDUCATION)	61.60
COUNTY	37.01
CITY	
BIG SKY ECON.	1.20
COUNTY ROADS	9.34
COUNTY WEED	0.28
OTHER CHARGES	30.24
TOTAL AMOUNT	270.36

TAX CODE- C02514B 6

AMUNDSEN, TRAVIS

3343 PARKHILL DR
BILLINGS MT 59102

YELL

SEE REVERSE SIDE FOR MORE INFORMATION

PLE STU PAY

SCHOOL DISTRICT	TAXABLE VALUE	MILL LEVY	TAX
	594	.38021	225.85

LEGAL DESCRIPTION

AMUNDSEN, TRAVIS
MORROW'S VALLEY
VIEW FARMS 3 1
(LESS NW 45' STRIP)

re County

3

PAGE 1 OF 2

TAX CODE-C02514B 6

YELLOWSTONE COUNTY, MONTANA

YEAR 10/31/97

YELLOWSTONE COUNTY TREASURER
BOX 35010
BILLINGS MT 59107

(406) 256-2802

DELINQUENT TAXES

YEAR	AMOUNT

INTEREST COMPUTED THROUGH

PAYMENT ON ANOTHER DATE WILL AFFECT AMOUNT DUE. CALL (406) 256-2802 FOR EXACT AMOUNT.

GENERAL TAXES FROM PAGE 1

BLGS URBAN FIRE SERV	BUFS	15.00	15.00
SOIL CONSERVATION DIS	SOIL	0.12	0.12

11/19/97 #1268

TOTALS ▶	1ST HALF	2ND HALF
	128.05	128.04
	DUE 11/30/97	DUE 05/31/98

BREAKDOWN OF YOUR TAX DOLLARS

SCHOOL TAX	116.81
STATE TAX (EDUCATION)	60.89
COUNTY	37.58
CITY	
MT TRADEPORT	1.19
COUNTY ROADS	9.10
COUNTY WEED	0.28
OTHER CHARGES	30.24
TOTAL AMOUNT	256.09

TAX CODE- C02514B 6

AMUNDSEN, TRAVIS

3343 PARKHILL DR
BILLINGS MT 59102

YELL

SEE REVERSE SIDE FOR MORE INFORMATION

PLE STU PAY

PAGE 2 OF 2

MONTANA SENATE
2005 LEGISLATURE

ROLL CALL

HIGHWAYS AND TRANSPORTATION

DATE 3/24/05

NAMES	PRESENT	ABSENT	EXCUSED
SEN. GERALD PEASE (D), CHAIRMAN	✓		
SEN. VICKI COCCHIARELLA (D), VICE CHAIRWOMAN	✓		
SEN. JERRY BLACK (R)	✓		
SEN. JOHN BRUEGGEMAN (R)	✓		
SEN. SAM KITZENBERG (R)	✓		
SEN. JESSE LASLOVICH (D)	✓		
SEN. FRANK SMITH (D)	✓		
SEN. DONALD STEINBEISSER (R)	✓		
SEN. DAN WEINBERG (D)			✓
TODD EVERTS, LSD	✓		
PEG HOLWICK, COMMITTEE SECRETARY	✓		

SENATE STANDING COMMITTEE REPORT

March 29, 2005

Mr. President:

We, your committee on **Highways and Transportation** recommend that **House Bill 688** (third reading copy -- blue) **be concurred in.**

Signed: _____
Senator Gerald Pease, Chair

To be carried by Senator Joseph (Joe) Tropila

- END -

Committee Vote:
Yes 9, No 0.

661048SC.sjo

K4

PROXY VOTE

I, the undersigned, hereby authorize Senator LASLOVICH to vote my proxy on any issue before the Senate HIGHWAYS Committee held on 3.24, 2005.

HB 688 : AYE

SENATOR
STATE OF MONTANA

MONTANA STATE SENATE
2005 LEGISLATURE

HB 671
HB 492
HB 688
HB 746
HJ 12

VISITOR REGISTER

HIGHWAYS AND TRANSPORTATION

DATE 3/24/05 **BILLS BEING HEARD TODAY** _____

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Roger A Hagan	459-0773	MT Natl Guard Assoc's	HB 746	X	
~~Mike Barnett~~	~~443-2195~~	~~District 4 Legislator, Portrait Informally Artists, others~~	~~HB671~~		
Phil Hohenlohe	449-2344	MT Advocacy Program	HB 671	✓	
Stan Putnam	324-3010	MT National Guard	HB 746	✓	
Mike Duman	449-5302	Federal Highway Admin	HJ 12		
John Thelen	656-2631	Land Owners Danford Drive	HB 492	✓	
Jim Robinson	232-2207	MT Ind Auto Dealers Assoc	HB 671	✓	
Marilyn Olsen	442-1833	MT Auto Dealer Assn	HB671	✓	
Roger McGlenn	442-9555	IIAM	HB 671	✓	
Kathleen Galvin-Halcro	452-3356	NIF	HB 688	✓	
Jill Garman	461 8708	MT Credit Unions	HB671	✓	
Tim Bergrud	444-6302	MDT	HB492	X	
Steve Turkiewicz	443-4121	MBA	HB671	X	
Stuart Doggett	439-5490	MT Manufactured Housing & RV Assoc.	HB671	X	
Dan Roberts	4548	DOC	671	X	
Brenda Nordlund	2713	DOC	HB 671	X	
Lloyd Ree	449 5302	FHWA			
~~[illegible]~~					
Linda Cropper-Wagner	899-5159	MT City Treasurers Assoc	HB 671 HB 746	X	
D. John Blackman	444-6158	MDT.	HB688	Info.	
Joe Mazurek	457-2000	Montana Interconnect	HB671	X	
Barry Stang	442-6600	MMCA	HB 671, 668 HJ12	X	

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MINUTES

MONTANA SENATE
59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

00:00:00
Call to Order: By **CHAIRMAN GERALD PEASE**, on March 29, 2005 at 3:30 P.M., in Room 405 Capitol.

ROLL CALL

Members Present:
Sen. Gerald Pease, Chairman (D)
Sen. Jerry W. Black (R)
Sen. John Brueggeman (R)
Sen. Vicki Cocchiarella (D)
Sen. Sam Kitzenberg (R)
Sen. Jesse Laslovich (D)
Sen. Frank Smith (D)
Sen. Donald J. Steinbeisser (R)

Members Excused: Sen. Dan Weinberg (D)

Members Absent: None.

Staff Present: Todd Everts, Legislative Branch
Peg Holwick, Committee Secretary, Audio Technician

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:
Hearing & Date Posted: HB 759, 3/14/2005; HB 765, 3/14/2005; HB 170, 3/14/2005
Executive Action: HB 170, HB 759, HB 765, HJ 12, HB 746, HB 492, HB 684

HEARING ON HB 759

Opening Statement by Sponsor:

REP. ROGER KOOPMAN (R), HD 70, opened the hearing on **HB 759,** Revise registration rental vehicle fleets.

Proponents' Testimony:

00:00:29 **Bill Hilsendeger, Dollar Rental Car**
00:03:15 **Candace Payne, MontanaRental Car Association**
00:04:01 **Riley Johnson, Enterprise Rental Car**

Opponents' Testimony: None.

Informational Testimony: None.

00:04:44
Questions from Committee Members and Responses:

00:17:15
Closing by Sponsor:

HEARING ON HB 765

00:19:37
Opening Statement by Sponsor:

REP. RICK MAEDJE (R), HD 2, opened the hearing on **HB 765,** Permits for rock removal on highway right-of-way on federal land.

Proponents' Testimony: None.

Opponents' Testimony:

00:23:40 **Maureen McBrien, Acting Deputy Forest Supervisor, Helena National Forest, Northern Region, USDA Forest Service**
EXHIBIT(his66a01)

Informational Testimony:

00:27:47 **John Blacker, Administrator, Maintenance Division, Montana Department of Transportation**

00:30:17
Questions from Committee Members and Responses:

00:38:46
Closing by Sponsor:

HEARING ON HB 170

00:43:08
Opening Statement by Sponsor:

REP. BILL WILSON (D), HD 22, opened the hearing on **HB 170,** Clarify fund transfers for certain vehicle taxes and fees.

Proponents' Testimony:

00:47:10 **Rhonda Carpenter-Wiggers, Montana Snowmobile Association**

00:48:00 **Doug Monger, Administrator, Parks Division, Montana Fish Wildlife and Parks (FWP)**

EXHIBIT(his66a02)

Opponents' Testimony: None.

Informational Testimony:

00:49:00 **Dan Lieberg, Montana Department of Disaster and Emergency Services (DES)**

00:49:45
Questions from Committee Members and Responses:

00:50:16
Closing by Sponsor:

EXECUTIVE ACTION ON HB 170

00:50:59
Motion: **SEN. COCCHIARELLA moved that HB 170 BE CONCURRED IN.**

00:51:00
Discussion:

SEN. COCCHIARELLA withdrew the motion.

EXECUTIVE ACTION ON HB 759

00:51:49
Motion/Vote: SEN. COCCHIARELLA moved that HB 759 BE CONCURRED IN. Motion carried unanimously by voice vote. SEN. WEINBERG voted by Proxy.

EXECUTIVE ACTION ON HB 765

00:52:35
Motion: SEN. SMITH moved HB 765 BE CONCURRED IN.

00:52:35
Discussion:

00:52:50
Motion/Vote: SEN. SMITH moved HB 765. Motion carried 7-3 by voice vote with SEN. COCCHIARELLA, SEN. LASLOVICH, and SEN. WEINBERG voting no. SEN. WEINBERG voted by Proxy.

EXECUTIVE ACTION ON HJ 12

00:56:28 _____
Motion/Vote: SEN. COCCHIARELLA moved that HJ 12 BE CONCURRED IN. Motion carried unanimously by voice vote. SEN. WEINBERG voted by Proxy.

EXECUTIVE ACTION ON HB 746

00:59:15
Motion/Vote: SEN. LASLOVICH moved that HB 746 BE CONCURRED IN. Motion carried unanimously by voice vote. SEN. WEINBERG voted by Proxy.

EXECUTIVE ACTION ON HB 492

01:00:37
Motion/Vote: SEN. BRUEGGEMAN moved that HB 492 BE CONCURRED IN. Motion carried unanimously by voice vote. SEN. WEINBERG voted by Proxy.

EXECUTIVE ACTION ON HB 684

01:02:48
Motion: SEN. BRUEGGEMAN moved that HB 684 BE CONCURRED IN.

Discussion:

01:08:57 **Spook Stang, Executive Vice President, Montana Motor Carriers' Association**

01:14:37
Vote: SEN. BRUEGGEMAN moved that HB 684 BE CONCURRED IN. Motion carried unanimously by voice vote. SEN. WEINBERG voted by Proxy.

01:18:29

ADJOURNMENT

Adjournment: 4:50 P.M.

_____
SEN. GERALD PEASE, Chairman

_____
PEG HOLWICK, Secretary

GP/ph

Additional Exhibits:

EXHIBIT(his66aad0.PDF)

MONTANA SENATE
2005 LEGISLATURE

ROLL CALL

HIGHWAYS AND TRANSPORTATION

DATE 3/29/05

NAMES	PRESENT	ABSENT	EXCUSED
SEN. GERALD PEASE (D), CHAIRMAN	✓		
SEN. VICKI COCCHIARELLA (D), VICE CHAIRWOMAN	✓		
SEN. JERRY BLACK (R)	✓		
SEN. JOHN BRUEGGEMAN (R)	✓		
SEN. SAM KITZENBERG (R)	✓		
SEN. JESSE LASLOVICH (D)	✓		
SEN. FRANK SMITH (D)	✓		
SEN. DONALD STEINBEISSER (R)	✓		
SEN. DAN WEINBERG (D)			✓
TODD EVERTS, LSD	✓		
PEG HOLWICK, COMMITTEE SECRETARY	✓		

SENATE STANDING COMMITTEE REPORT

March 30, 2005

Mr. President:

We, your committee on **Highways and Transportation** recommend that **House Bill 759** (third reading copy -- blue) **be concurred in**.

Signed: _____
Senator Gerald Pease, Chair

To be carried by Senator Jerry Black

- END -

Committee Vote:
Yes 9, No 0.

670933SC.sjo

KA

SENATE STANDING COMMITTEE REPORT

March 30, 2005

Mr. President:

We, your committee on **Highways and Transportation** recommend that **House Bill 765** (third reading copy -- blue) **be concurred in**.

Signed: Gerald Pease
Senator Gerald Pease, Chair

To be carried by Senator Jerry Black

- END -

Committee Vote:
Yes 6, No 3.

670934SC.sjo

SENATE STANDING COMMITTEE REPORT

March 30, 2005

Mr. President:

We, your committee on **Highways and Transportation** recommend that **House Joint Resolution 12** (third reading copy -- blue) **be concurred in.**

Signed: Gerald Pease
Senator Gerald Pease, Chair

To be carried by Senator Vicki Cocchiarella

- END -

Committee Vote:
Yes 9, No 0.

670935SC.sjo

KH

SENATE STANDING COMMITTEE REPORT

March 30, 2005

Mr. President:

We, your committee on **Highways and Transportation** recommend that **House Bill 746** (third reading copy -- blue) **be concurred in**.

Signed: _____
Senator Gerald Pease, Chair

To be carried by Senator Frank Smith

- END -

Committee Vote:
Yes 9, No 0.

670936SC.sjo

SENATE STANDING COMMITTEE REPORT

March 30, 2005

Mr. President:

We, your committee on **Highways and Transportation** recommend that **House Bill 492** (third reading copy -- blue) **be concurred in**.

Signed: Gerald Pease
Senator Gerald Pease, Chair

To be carried by Senator Dan McGee

- END -

Committee Vote:
Yes 9, No 0.

670937SC.sjo

KH

SENATE STANDING COMMITTEE REPORT

March 30, 2005

Mr. President:

We, your committee on **Highways and Transportation** recommend that **House Bill 684** (third reading copy -- blue) **be concurred in.**

Signed: Gerald Pease
Senator Gerald Pease, Chair

To be carried by Senator Aubyn Curtiss

- END -

Committee Vote:
Yes 9, No 0.

670940SC.sjo

K4

PROXY VOTE

I, the undersigned, hereby authorize Senator Laslovich to vote my proxy on any issue before the Senate Highways Committee held on 3/29, 2005.

HB 759 : YES HB 684 : YES
HB 765 : NO
HB 12 : YES
HB 746 : YES
HB 492 : YES

SENATOR
STATE OF MONTANA

MONTANA STATE SENATE
2005 LEGISLATURE

VISITOR REGISTER

HIGHWAYS AND TRANSPORTATION

DATE 3/29/05 **BILLS BEING HEARD TODAY** HB 170
HB 765
HB 759

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
~~Robin Strathy~~		~~USDA Forest Service~~			
Maureen McBrien	495-3709	USDA Forest Service	765		X
Bill Hilsen Deger	223-2665	Dollar Rent A CAR BZN	759	✓	
Dan Liebig	841-3911	MT DES	170	X	
Ronda Carpenter-Wiggers	899-5059	Mt Snowmobile Assoc.	170	X	
Doug Mongery		FWP	170	X	
John Blackstr.	444-6158	MDT	765	Info	
Riley Johnson	443-3797	Enterprise Rent a Car	759	X	
RICK MAEDIF	444-4800	HD 2	765	X	
Candace Payne	431-4445	Montana Rental Car Assn	759	X	
Robin Strathy	495-3709	USDA FS	765		

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY